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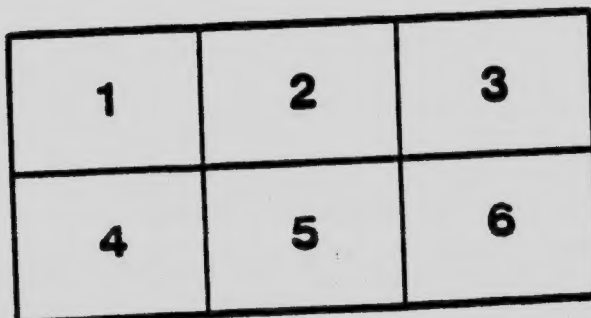
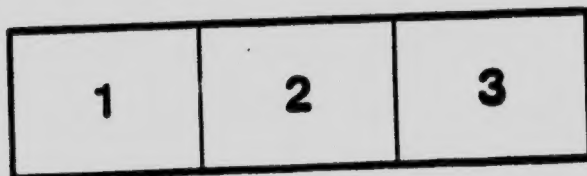
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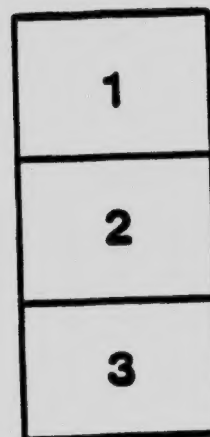
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BY THE

VICOMTE de FRONSAC.

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PART I.

CHAPTER I.

CONFEDERATED STATE.

Eight hundred years before the colonization of Canada and for more than a century and a half after that event, that system of law known as feudal, was the one dominant system of Continental Europe. It was but the result of the undissolved sovereignty and custom of each little army of warrior-princes that invaded the Roman Empire from the second century to the seventh and incorporated portions of the general law of Rome after the manner in which they recognized the suzerainty of the Roman Emperor. This undissolved sovereignty of the Burgundians, of the Goths, of the Salic French, of the Ripuarian Franks, of the Normands, of the Bretons, with their various customs made of each a separate state in the empire, each sovereign and independent within itself, under its king, or count. The Roman emperor gave place to the king of the

Franks in the person of Charlemagne in the year 800, who, without disturbing the autonomy of the various states of Europe, of which these are but a few, caused them to recognize him as their suzerain and feudal superior.

Thus from the beginning of the feudal system its spirit, its vital element, is seen to be the preservation of the national individualities which compose the sovereign state, so that the state, instead of being a homogeneous unity, solid and unwieldy, became a constellation guided by one principle—loyalty to the chief.

No greater disgrace could befall a vassal of the crown than a failure to perform his obligations of fealty. All the other vassals, chiefs of states in the confederacy, were bound to assist the sovereign to dispossess the one who might be so dishonorable to his trust—to the spirit of the feud.

On the other hand, a sovereign who failed in his mandium, or obligations, towards his vassals, received not only their

contempt, but they were absolved from their allegiance by his lack of faith, and in numerous instances in the history of the Middle Ages, combined to cast him from the throne he had shown himself so unworthy to possess.

Thus there was built up a ruling class in all these states founded on loyalty and honor, while the spirit of justice was the greatest incentive of the sovereign because it was the surest prop of his powers among his knightly supporters.

The society of the feudal age, by those motives and assurances became chivalric with a chivalry that, as Hallam says in his *History of the Middle Ages*: "Caused the heart to expand like a flower in the sunshine; beautified glory with generosity and smoothed even the rugged brow of war."

Many of the states which made up the country afterwards known as France, were sovereign within themselves down to beyond the time of the colonization of Canada. The principal of these states named for the ancient races that founded them, were Normandy, for the Normans; Brittany, for the Bretons; Gascony, for the Gascons; Burgundy, for the Burgundians. Many of these states or provinces of France, had their separate parliaments, each had its own constitution of which the customary law of its people was an interpretation.

Some of these provinces, whose great chieftains were the peers of France—that is sovereigns with the king—had passed by intermarriage or by failure of issue in the direct line of the original family, to the Royal House and had become the appanages of its junior branches.

So long as the monarchy existed in France, that is until 1792, a hundred and twenty-eight years after the establishment of Canada as an autonomous royal province, all the provinces of France, including Canada, preserved their characteristic of a feudal state—an internal sovereignty, organization and independence. The general government of the kingdom of which these provinces were the units was managed by the king and officers called by him to assist him in council for affairs of the royal provinces; but there were added to these offices the feudal chief of each of the other provinces—that were not directly under the king—because the king and his officers could not interfere in the management of these other provinces without the consent of the lords of those provinces.

Before these chiefs, as peers of the king in council, were summoned, the king,

with the advice of his personal court, would issue commands to be observed to the lords and retainers of his personal life, but he would send letters to the sovereign chiefs of the other provinces requesting them to have the king's ordinances enforced in their domains. It was to avoid the non-compliance with the king's requests on the part of the great vassals, which caused the king to invite them as peers to sit in his council so as to insure the carrying out of the legislation of that council in the confederated provinces which formed the kingdom of France. The sovereign lord of each of these provinces such as Normandy, Aquitaine, Brittany divided up according to the feudal custom the land of their domains among their relatives, officers and gallant followers to hold in trust for such tenants as might in their turn take smaller holdings of these subordinate lords. The bond between them all was this, that the tenant must fulfill his agreement with his lord, his lord with the chief and the chief with the king. The lord, on his side, must protect his tenant, the chief, his lord, and the king, the chief.

The lord could make no legal change in the agreement of his tenants without their consent, so when he considered the regulation and improvement of his lordship he opened a room in his house for the assembly of his tenants, so that their wishes might be made known to him in the matter. In like manner the chief of the province, whether duke or count, assembled a council of the lords of the province in his castle to obtain their consent for any change which he might make. This council with the duke of the province made the provincial laws. But as the lords, better versed in the military art than in the ancient customs and the financial conditions of the cities, required further assistance, certain of the magistrates and presidents of the merchant-guilds of towns were invited to meet in a separate place as a court of decision. This court of justice was the provincial parliament; its office being to register the laws passed by the duke in council and to judge of causes brought before it. But never in the history of any part of monarchical France did it have the power to legislate. The nearest approach to legislation that even its most audacious temper assumed was in way of remonstrance against grievances.

The duchy of France—outside of Normandy, Brittany and the other provinces—was the province peculiar to the royal

family. The parliament of Paris, of this domain, had the same office as that of any other provincial parliament; that is, as a court of justice. The authority of the king was so great that never but once, and that was in 1419, did parliament venture to elect its own president, and even then the king refused to recognize him and appointed another. This illustrates the strength and personality of the prerogative of the King of France—that so far as the appointment of officers was concerned he was absolute—in fact, as Louis XIV declared, the king was the State personified, and under this regime of the feudal age, there was greater liberty and happier to the individual than in any other age of the world's history. There was a better and broader sphere for the achievement of meritorious action. The control of democracy, with its factions and jealousies had not yet cankered the state and destroyed the provinces. The shackles of mediocrity had not yet fastened in all the avenues of advance and closed the way to genius by their multitudinous and envious combinations. The idea throughout was autonomy,—the preservation of the individual

and of his liberty as the basis of each more complex unit in the national organism.

As one after another of the great provinces passed to the control of the crown, sovereignty, exercised, however, by a royal governor in the name of the king instead of, as formerly, by the duke or count, the importance of the parliament of Paris as the supreme court of France, became assured, and the customs of Paris in the confederation of laws became the more recognized common law of France—except in those instances when the local, or provincial parliaments had direct or clear precedent for other usage in the local customs of the provinces. But all foreign territory or acquisitions falling to the king as personal fiefs, if without local usage provided for by treaty of cessions, became subject, naturally, to the customs of Paris, or in other words, to the law of the duchy of France, even while preserving an autonomy and having a local aristocracy and burgher corps with internal administrative powers of sovereignty. This rule applied to Canada which became a royal province, or state, in the confederated Kingdom of France.

CHAPTER II

EVENTS OF COLONIZATION

(1524—1663.)

In 1524 Jean Verazzani, in the name of the King of France, planted the royal standard on the shores of Canada. It is supposed that the present province of New Brunswick, at a spot not far from the city of St. John, was where Verazzani landed.

But as early as 1506 Jean Denys, of Honfleur, France, made a chart of that part of the shore of North America known later as the Gulf of St. Lawrence.

Finally, following the advice of Philippe de Chabot, Admiral of France, King Francis I. decided to take part in acquiring possessions in the newly discovered lands of the world called America. This task he confided to Jacques Cartier, an explorer, native of St. Malo, well known as energetic, daring, faithful, and capable of exercising command in naval matters. Spain and Portugal were already profit-

ing by the richness of their American possessions and England was becoming enamored with a covetous zeal for gain from such sources.

During the 20th of April, 1534, therefore, Jacques Cartier departed from St. Malo on this mission with two vessels of about sixty tons each, mounted by sixty men for a crew. He cast anchor the 16th July of the same year in the harbor of Gaspé, at the entrance of the St. Lawrence, and planted on that part of the territory of America, of which he had taken possession in the name of the King of France, a cross on which were inscribed the words "Vive le Roi de France!" Then he returned to France to render an account of his success to the King.

Again the 19th of May, 1535, he started from France. This time his squadron amounted to three ships. He intended to push his explorations further.

After sailing up the St. Lawrence to Hochelaga, now known as Montreal, he retraced his way to the mouth of the River St. Charles to pass the winter,

During this winter his crew suffered so from the scurvy that when spring broke the ice, he was obliged to return to France.

In 1541 Francis I. named M. de Roberval Lieutenant-Governor of the King for the new possessions who was charged with laying the first foundations of a settlement. Jacques Cartier, chosen to head the attempt, departed from France again, May 23rd, 1541, with five vessels of four hundred tons each, furnished with provisions for two years, and prepared for all the emergencies of a Canadian winter.

In spite of the precautions taken, his crew suffered as much from that winter as had been experienced in the winters before when he was in Canada. He resolved to go back again to France before the arrival of Roberval, but he met the fleet of Roberval off the coast of Newfoundland.

Mr. de Roberval had departed from La Rochelle with three vessels containing two hundred emigrants and a number of gentlemen. The time of Roberval's sailing was April 16th, 1542.

Cartier and Roberval conversed together on their meeting, but no great had Cartier's company suffered from the severities of the climate that Roberval was unable to persuade them to remain. He continued his journey with his own company only and arrived at Charlesbourg.

This winter was as fatal to the new establishment as it had been to that which Cartier had endeavoured to found. In the space of a few months it lost nearly a third of its number.

About this time a war was kindled between the Emperor Charles V. and Francis I. of France, and instead of reinforcements M. de Roberval received orders from the King to take his company to France.

By the time that peace was restored Henry II., son of Francis I., was King. Roberval obtained consent from him to continue his projects of colonization in Canada. Accompanied by his brother, he placed himself at the head of another expedition which perished probably at sea, for no news was received from it after it had sailed from France.

Half a century passed away, during which no thought directed any action towards America.

At the commencement of the sixteenth century a trading society founded at Rouen and patronized by the Commander de Chastes, Governor of Dieppe, obtained

the exclusive privilege of trading for furs in the northern part of America, on condition of colonizing the territories.

The associated members of this company sent an expedition to continue the discoveries of Cartier and to found establishments in Canada. The company was commanded by Pont Grave, Attached to the command was a navigator who had obtained renown. His name was Samuel de Champlain, a protégé of the King, Henry IV.

Henry IV. was of a new line on the throne of France. He was cradled amidst the martial enterprises of the civil and religious wars that raged in France. It was at this time that the French Protestants, or Huguenots, finding that their privileges were too small for that liberty which the development of freedom of thought and independence of character require, became restive and provoked the wrath of the Catholic clergy of France against them.

Henry IV., whose mother was Queen of Navarre, and whose father was a Bourbon, and related to the royal family of France, became a leader of the Protestants and had the whole of Gascony, or the west of France, to stand in his array. The great Coligni and Conde were his captains.

So much ability did he display on battle field and in council and after he came to the throne of France, that he was called the great. Some of his ability was manifested in the choice of proper men to manage affairs of state, and the favor he showed to Champlain is worth of his name.

The ship bearing Chastes and Champlain departed from Honfleur March 15th, 1603, and touched at Tadousac, on the St. Lawrence, at the blending of the waters of that river with those of the Saguenay.

Pontgrave and Champlain remained together till they had explored beyond the Sault St. Louis, where Cartier had been before. Here Champlain drew a chart of the place, visited it, and set out on his return to France, where he published an account of his voyage.

The King, Henry IV., who took an increased interest in these discoveries, encouraged the company of Rouen, and granted to its agent, the Sieur de Monts, the title of "Lieutenant-General of the King in New France." Champlain was named "Geographer of the King."

Both of these men embarked at Havre, May 6th, 1604. They traversed the At-

lantic, and cast anchor off the coast of Acadia (Nova Scotia), where they found the climate not so extreme as that of the St. Lawrence.

Champlain remained three years in Acadia, of which he explored the shores and interior. It was during this time that the colony of Port Royal (Annapolis) was founded.

The next time Champlain sailed from France to America was in 1607. This time he was chief of the expedition. He remounted the St. Lawrence with two ships. On the site of the ancient village of Stadacona, whose incomparable situation he had appreciated before, he disembarked with all his people. He established himself on the land, and caused to be elevated the first houses in Quebec. (Quebec is the French form of the Kebee, which, in the Indian language, means the "narrowing of the waters.") From this time dates any permanent settlement of the French in America.

In 1611 Charles de Bourhon, Comte de Soissons, was created Lieutenant-General of New France, as Canada was called. He was succeeded by Henry de Bourhon, Prince de Conde. At this time the company of Associated Merchants had a species of monopoly in trade between New France and the Old Country.

In 1619 the Duc de Montmorenci became Viceroy. In 1621 the Associated Merchants, because they had not fulfilled their charter, requiring them to colonize the country, were deprived of their privileges, which were granted to Guillaume and Emery de Caen, who were Protestants. And religious discord came to keep company with the colonists to their solitude.

In 1627 the King of France, urged by his great minister Richelieu, gave a royal charter to the "New Company of the Hundred Associates," mostly of the highest nobility of France ceding to them all of New France, Acadia, Newfoundland and Florida. Power was given them to grant lands on feudal tenure, to give titles, erect duchies, marquisesates, counties and baronies. They had monopoly of trade, and were bound to send out 1,500 settlers during the first ten years.

In 1629 Quebec was captured by the English Admiral Kirk, but it was restored to France by the treaty of St. Germain en Laye, of March 27th, 1632.

In 1639 M. de la Dauversiere, Father Olier and Baron de la Fauschamps founded Ville Marie de Montreal mostly for missionary and educational work, and projected a seminary, Hotel Dieu, and a

college consecrated to Christ, St. Joseph and the Virgin. Maisonneuve was the first Governor, in 1642.

In 1648 the New England colonies made a proposal to D'Ailleboust, Governor-General of New France, that there should be free trade and perpetual peace between the French and English colonies, even though the parent countries might be at war. This proposition was well received, but a quarrel existing in 1643 between D'Aulnay and La Tour, two seigneurs of Acadia, was fostered by the New England colony supplying arms to La Tour, and allying with him in 1647.

Before 1663 these French possessions in America were not conceived to be for permanent institutions. They were either the posts of missionaries for the conversion of the "heathen" to Christianity, or a place of refuge for the political and religious exiles of the old country, or trading stations established by enterprising companies of merchants for their own gain. Religious liberty was accorded in New France by decree of King Henry IV. Huguenots were allowed to settle therein provided that they did not try to interfere with the conversion of the natives to the Roman Catholic creed. This was interpreted to extend to their own children. Companies of merchants like those before enumerated, obtained grants on condition of paying a percentage gained in trade to the King and in support of the missions. These grants were accompanied by charters allowing those who held them the monopoly of American trade.

The religious order of the Recollets constructed a gorgeous convent near Quebec when that settlement contained but fifty inhabitants. This was in 1620. Other religious bodies of the Catholic persuasion richly endowed by French millionaires to expiate the sins they had committed in the accumulation of wealth and as a sop to Satan, erected their establishments in Canada on a strong foundation. But in the pleasant valley of Port Royal, where the first permanent settlement of the French had been established, was a pleasanter picture than that presented by religious craft and the cunning of trade and the hardships of warfare. There where the "Old Fort" raises its battlements to the day of Annapolis, Nova Scotia, was assembled a more gallant company than any modern settlement can boast. Colonists of so noble quality and culture in modern times do not go out in a body for enterprise and settlement in foreign parts as these had done. The

men of this colony who bore the great names of Lescabot, the historian and poet, of Champlain, the Geographer of the King, of de Poutrincourt, the Knight of Chivalry, did something else besides live on the prestige and romance of an ancestral past. What recommends them above the hewing down of forests, the planting of grain, the erection of dykes to wrest from the sea the fertile marshes, the schemes of commerce—all necessary things whose imperative "must" is recognized in the vulgar command to the equally vulgar hord of immigrants who throng to a new country of "Root hog, or die!"—was the romance and beauty they had wrought in their lives, with hospitality and the love of artistic creations.

Scarcely had this little settlement been formed when the members began to set apart ornamental walks about their habitations in which the seeds of beautiful flowers, brought from France, were planted. The road from Port Royal leading towards the Baie Ste Marie was planted on both sides with slips of the willow, derived also from France for this purpose, whose dwarfed and neglected offspring may be seen to this day on the south road-side from Annapolis to Clementsport.

But the most convincing evidence of their refined sentiments and altruistic nature is seen in the ceremonies of the "Ordre de Bon Temps," instituted by the Baron de Poutrincourt for the purpose of binding together for mutual assistance and progress and hospitality the foremost of the colony. The feasts of this order were not less than 52 in the course of the year. For each feast, the members chose a lord steward who prepared the programme of song, toasts and recital, history and poesy; chose his assistants and provided for the menu, to which all others contributed in game, meats, cookery, wine and confection. The Lord Steward was invested with a collar of office which cost four French pounds in silver. On the day and at the hour of the feast, the company of guests formed in line, each one carrying his own plate and cup and preceded by the Lord Steward with staff of office in hand and napkin on shoulder, marched to the hall, or place of festivity. At the close of this ceremony of good cheer, and feast of good fellowship, the next Lord Steward would be chosen by the company, and invested by the actual lord steward with the collar and staff of office, after which the old and the new Lords Steward would pledge

each other in a brimming glass of wine.

Sometimes to these feasts the chiefs of the neighboring Indian tribes would be invited, and the captains of the occasional ships in port. The influence of this order shed the rays of its sunshine throughout all the colony, warming the heart and cheering the understanding by the wholesome emotions of generosity and good fellowship. This order subsisted so long as the Baron de Poutrincourt remained in the colony and even after the colony was broken up and its prosperity injured by the continued hostile excursions of the neighboring English.

A little later the country passed by grant under the name of Nova Scotia, from King James VI, to William Alexander, Earl of Stirling, who proceeded to colonize it as a feudal state. The grant obtained from King James by Lord Stirling embraced Cape Breton and the peninsula and the lands east of the Ste Croix River. Stimulated by the spectacle of the knightly and feudal holdings of the French, he instituted in their pattern, with the approbation of the King, an order of nobles called "The Order of the Baronets of Nova Scotia." It was limited to 150 members who received grants of land on condition of settling in the province and remaining there as lords of domain.

The date of the formal establishment of this order was in 1625, by special commission of Charles I. "To advance the plantation of Nova Scotia, in America, and to found there a colony."

A territorial domain was assigned each baronet with hereditary belongings and jurisdiction civil and military over his tenants.

Each person before he could become a baronet was obliged to show that his grandfather was of the rank of gentleman.

To the family-arms of each baronet supporters were added, and in the shield, an escutcheon of the arms of the province which had also been granted by the King and are the following: "Argent, a saltire, azure at the centre of which is emblazoned an escutcheon of the arms of Scotland (or, a lion rampant, gules, armed and membered within a tressure flory, counter-flory, gules) surmounted by the royal crown of Scotland. The arms of the province, bore in addition to the shield, two savages in grand tenure. The motto is "Fiax mentis honestae gloria." The costume prescribed for the baronets was of the knightly description, they bearing a decoration suspended from

an orange ribbon from about the neck, of the shield of the province, described above.

In the charter of government of the province by Charles I representation was had in a council of the great proprietors and baronets.

Of the 150 briefs for creation, over 10 had actual domains recorded in the book of "General Register of Sasines" at Edinburgh, and of these 24 reported as actually coming to the province with intention of making attempts at meeting the demands in their territorial grant. Among the most prominent of these were Alexander, son of the Earl of Stirling, who founded the town of Grenville, opposite Annapolis, in Nova Scotia, and Sir John Gordon.

Affairs might have prospered exceedingly well for this royal province of Scotland whose patents declared it as a fief of the crown of that country, had not the French, who had been crowded out of it, made so great complaint that Richelieu in 1632 by the treaty of St. Germain en Laye persuaded Charles I to cede the province back again to France.

Some of the Scottish settlers remained however, and the French family of Melancon, which became prominent afterwards and possessed the Seigneurie of LaVerdure, intermarrying with an heiress of the La Tours and de Chainssays, is said to derive its origin from one of these. But its name is an evidence of belief that this family is derived from the Melanths.

CHAPTER III.

FEUDAL FIEFS IN ACADIA.

True to the principle involved in the feudal system, government was localized in Canada by being commissioned to those only who had territorial grants in the country. These concessions or grants were in every sense noble and carried with them in their commissions the right of hereditary sovereignty over the territory described in the grant, which the possessor held in fealty direct from the King, according to the regulations of the duchy of France prescribed for feudal tenure in the customs of Paris.

During the colonization period, that is before 1663, Canada had no unified system of provincial government. The country, with Acadia was a collection of lordships, each independent of the other, under its own lord, or seigneur, who recognized no superior but the King, his suzerain; especially was this the case in Acadia, where the entire country embracing tens of thousands of square miles had been granted to three families, whose princely prerogatives and conflicting ambitions caused them to turn their arms against each other. The most celebrated of these conflicts and of the longest duration, both by sea and land, was between the La Tours and the de Char-nissays, and has been made famous in poetry and romance. It arose about a dispute over the sovereignty of Western Acadia.

It seems that in 1632 when Acadia was restored to France by the treaty of Breda that the King of France conceded it in three principalities to the Count Isaac de Razilli and Claude de St. Etienne de La Tour, and the Vicomte Nicolas Denys de Fronsac. It seems that the La Tours had established a fortified post called Fort St. Jean at the mouth of the St. John River, in what is now New Brunswick. But all this country from beyond the Penobscot River to what is now Annapolis, Nova Scotia (anciently Port Royal) was given to de Razilli and to St. Etienne de La Tour was conceded the territory from Port Royal to Cape Breton. To Denys de Fronsac was granted Cape Breton and the district of the main land known as Gaspasie.

The Count de Razilli made an agreement with La Tour by means of which they exchanged their respective territories, so that La Tour continued to possess Western Acadia from the Penobscot to Port Royal.

Razilli had been commissioned the superior or King's governor. He was an admiral of France and a Knight of Malta. He was renowned for his exploits in foreign seas. His father was the Marquis de Razilli, and the family traced through the noblest of chevalier alliances to beyond the days of the crusaders. While de Razilli lived, there was peace and prosperity in Acadia. He and Denys de Fronsac established stations for fur trading and sedentary fishing in company at Le Heve and in Cape Breton.

At the death of de Razilli, his brothers conceded their rights in his principality in Acadia to a nobleman named Menou d'Aulnay, Count de Charnissay, who no sooner came to the New World than he insisted on it that La Tour should restore the original grant of Razilli to him.

The father of La Tour, named Charles St. Etienne, Count de La Tour, was said to be descended from the leader of the first crusade, Godfrey de Bouillon, who was made King of Jerusalem—a title which passed to the family of de Lusignan, yet represented in Canada. La Tour, the father, had espoused the cause of the Huguenots and had been exiled from France. During a stay in Britain, he pleased the King of Scotland, James VI., who created him baronet of Nova Scotia as well as bestowed a like title on his son. He married a relative of William Alexander, Earl of Stirling, who was made governor of Nova Scotia, chief of the baronets of Nova Scotia and first baron of Canada. It was on the land obtained from King James of Scotland that the La Tours were established at the time of the restoration of Acadia from the crown of Scotland to the crown of France, and it was by the high-minded courtesy and regard for international usage that they were allowed to retain it by de Razilli, although the same land had been in his own concession from the King of France.

But de Charnissay was not satisfied with the agreement which had existed between de Razilli and La Tour, and as La Tour refused to part with his possessions, both prepared their armaments and retainers for war.

Most of the long period of hostility between these independent lords of domain passed in small skirmishes and in overtures to the Puritan settlement at Boston to purchase aid in men and arms, which the Puritans, when safe for them to do so, were but too glad to give for the sake of profit and with a desire to intermeddle in the affairs of their neighbors. A little later these Puritans carried their pretensions so far as to claim some of the land east of the Penobscot, but La Tour captured their party and returned these crestfallen ancestors of the Yankees back to their own town of Boston.

But a tragedy occurred in this warfare that has left a more vivid remembrance in history. It seems that when La Tour was absent from his capital at St. Jean on one occasion, de Charnissay having a numerous fleet and many soldiers

at hand, laid siege to it, and demanded its surrender of Madame de La Tour, who was regente in the absence of her husband. But Madame de La Tour was not terrified; she summoned the garrison and inspired them with confidence in her and in their strong position. In vain the ships of de Charnissay poured shot at the high battlements; the guns of the fort were depressed and their replies plunged through the decks of the vessels, crippling some.

Then de Charnissay landed men lower down on the shore and attempted to take the place by assault, but was beaten off with loss.

At length, however, he succeeded in bribing one of the guards, who was a Swiss, and when he was on duty he allowed de Charnissay's men to approach his side of the ramparts until they were perceived by others, who gave the alarm. But it was too late, and a desperate struggle ensued in which neither side was successful.

At this, de Charnissay offered to give the garrison their lives, liberty and goods and to respect the property of La Tour provided that the fort be surrendered to him.

Madame La Tour, wearied and nerve-shaken and desirous of avoiding any further bloodshed, agreed to these terms. But no sooner was de Charnissay master of the place than he retracted his word, especially when he saw how few were the garrison and how great havoc they had wrought among his own ships and men. He hung every one, but he who acted as executioner for the rest—and it must have been the treacherous Swiss. Moreover, he compelled Madame La Tour to be present herself with a rope around her neck.

Although her life was spared, Madame La Tour did not long survive this fearful experience, and de Charnissay himself died soon after her. La Tour, however, after a period of mourning for the heroic lady who had borne his name, married the widow of de Charnissay and it seemed that the feud was ended.

But this seeming did not last long. In his struggle against La Tour, de Charnissay had transferred the title of his principality to Emanuel Le Borgne, a rich and powerful merchant in France, who, when he heard of de Charnissay's death, fitted out an armed expedition to come over and take possession of his lordship. He had taken the precaution beforehand, to obtain judgment in his favor by presenting the legal aspect of his claim to the High Court or Parliament, at Paris.

La Tour heard of his coming and fortified his place and armed his troops.

Le Borgne, to get experience in warfare, thought he would attack first Denys de Fronsac, because that individual, not expecting an attack, was unprepared. He captured Denys, who was alone, and obtained by ruse, while Denys was absent, the fort St. Pierre, but Denys escaped and recaptured it. At this period, 1654, however, the greedy Puritans, who had been watching their chance, swooped down on La Tour and Le Borgne—one after the other—with a safely contrived, overwhelming force and captured both. They feared, however, to proceed further north into Denys de Fronsac's country, for in the meantime, although greatly inferior in men, he had fortified his positions, and had driven the English out of the islands of La Madeleine. By the treaty of Breda (1667) Charles II. of England restored to France the portions taken by this enterprise. But Denys's turn was coming next. He had been commissioned governor-in-chief of the country in 1654, and in 1670 an adventurer, named La Giraudiere, with considerable influence among the West Indian Company, obtained a commission of command over the same country. La Giraudiere with this commission made use of one of the King's ships of war and presented himself before Denys's fort at Chedabuctou (Guysborough, Nova Scotia, where remains of the fort are visible to this day). He demanded the surrender of the fort in the name of the King. The men of Denys were terrified at the idea of fighting against the King's officer, and he dismissed twenty of them who were weak-hearted. The rest decided to stand by their chief. Then he loaded his cannon at the fort and training them on the ship declared he would fire if La Giraudiere offered any further hostile move. Other parties sent out by La Giraudiere persuaded Denys's commandant at another fort up the country (fort St. Pierre) to surrender in the name of the King.

In the meantime Denys's men became fearful of the consequences of fighting the ships and troops of the King of France and he, to pacify them, had an interview with La Giraudiere in which he offered to go before the King and allow him to settle the matter. To this La Giraudiere agreed, and the King not only confirmed Denys in the government, but extended it further, making him viceroy of Acadia, Gasparias and Newfoundland, Cape Breton and St. John's Is-

land (Prince Edward's Island) with authority to make war and peace for the protection of his domains, treaties for the improvement of trade and industry, and to grant titles of honor. By the same commission, all the officers of the King coming into Denys's domain were commanded to obey his orders as they would the King's own. But while he obtained this signal triumph in commissions, he could obtain no indemnity for the losses he had sustained, and as though to deprive him of all means of continuing his establishment for the benefit of the country, a great fire destroyed his principal town of St. Pierre with all the stores and many of the vessels in the harbor. After this, he retired to his chateau at Nipisiguit and there wrote the first "History of North America," in the French language, which was printed in Paris in 1672. In the address to the King at the beginning he speaks thus of the needs and possibilities of Canada:

"Canada has commenced to breathe only since the attention of Your Majesty has given fresh vitality to this wavering colony. Truly Acadia would have been in the hands of our neighbors had not the same care watched for what would enrich your subjects through maritime commerce; but, Sire, since the country with which I take the liberty to present you with a description, forms the principal part of New France, the most useful and the easiest peopled, I dare to hope that Your Majesty might make to it some application of that universal means by which we see every day abundance brought out of what was formerly unfruitful. I have had leisure to examine and be convinced of the advantages offered for naval architecture and of the means of establishing permanent fisheries with an almost incredible gain in economy. Thirty-five or forty years of frequentation and dwelling in this part of America, where for the last fifteen years I have had the honor to command for Your Majesty, have given me a knowledge of its fertility. Sire, this country, such and better yet than I can represent it, in order to become profitable, has need of those fortunate influences which Your Majesty may see among his neighbors."

"Sire, I do not propose the discovery of an unknown land or promise mines of gold. . . . I offer only the experience I have gained after so many years. I hope that these will procure an audience which will give me the means of explaining to

Your Majesty those things which I cannot make public."

In Charlevoix's History of New France Denys is called one of the best governors that France ever sent to America. His father, Jacques Denys, Sieur de La Thibaudière, was captain of the King's Guard as his grandfather had been before him, and a descendant of the great navigator, Capt. Jehan Denys, of Honfleur, who published the first chart of the Gulf of Canada in 1506 and visited Brazil in 1504. Of Denys's brothers, one, Simon Denys, Seigneur de La Trinité, was a captain in the Regiment Carignan Salieres, sent into Canada in 1664, and afterwards receiver-general for the Company of New France at Quebec; another, Jacques, was quartermaster-general of

the armies of the King, killed at Cardia in naval battle against the Venetians, and the last was Henry, of the Royal Guards, killed in Italy. Nicolas, himself, bore the title of de Fronzac as did his relatives, the Forsythas, before him and the Ducs de Richelieu and de Fronzac after him.

The immense possessions of the three families were divided afterwards into smaller lordships, the d'Entremonts and Melançons, principal heirs of La Tour, inheriting the greater part of the La Tour principality. In 1687 the de Fronzac lordship of 2500 square miles was carved out of the Bay of Chaleurs and Gaspe district and given to the Denys de Fronzac family in exchange for Cape Breton, which the King of France resumed to himself.

CHAPTER IV.

In Acadia, which embraced New Brunswick, Nova Scotia, and the greater part of Maine the fight between the English provincials and the French was made more successful for the English as the time went on by the proximity of the British fleet. Although by the treaty of St. Germain-en-Laye in 1632, Acadia had been restored to France and Commaudeur de Razilli had been ordered to receive it for that power, the English provincials would not let the French rest in peace. Although greatly outnumbered the French maintained their own even on the sea in the lower provinces for nearly 100 years.

In 1696 the Chevalier Simon Denys de Bonnaventure departed from France in command of the *Envieux*, of 44 guns, accompanied by the Chevalier Le Moyne d'Iberville in the *Profond*, for the protection of the Acadian coasts and to fight the English. He was the son of Pierre Denys, Sieur de La Ronde, grand-master of the forests and waters of New France and grandson of Simon Denys, Seigneur de la Trinité, receiver-general of the company of New France at Quebec. He inherited the great seigneurie of Bonnaventure, whose extent embraces a county of the same name in the Province of Quebec.

In the same year (1696) the Chevalier de Bonnaventure participated in the capture of Permaquid, on the Penobscot, from the English, as well as in the seiz-

ure of their frigate *Newport*, and he chased the *Solings*, of 34 guns, and its consort back into the port of Boston. In his career as commander on the coast, he was the terror of the English privateers and pirates, many of whom he captured, even under the guns of the New England forts. In 1705, being next in authority to the royal governor, de Brouillan, he was deputized by him to act as governor, when de Brouillan returned to France. He expected to be confirmed in that position by the King, but the Jesuits, of whose intermeddling with civil affairs he had complained, obtained the appointment of the Baron de Subercase instead. But, says Kingsford, in his History of Canada (vol. III. p. 85) he aided the man who was chosen in his stead conscientiously and for the good of the country through the difficulties and dangers of the time. His son, Claude Denys, de Bonnaventure, became an admiral of France, after participating in the defence of Cape Breton as major of the marines in that province, the only full admiral in all Canadian history being his father's comrade, the Chevalier d'Iberville.

Another of these Denys—brother of the first Bonnaventure—Louis Denys de La Ronde, had military command in 1704 at Port Royal, and on his part chased the Anglo-Americans from that province, by his vigorous military expeditions. It seems that the cause of these hostilities was the encouragement given by Dongan, governor of New York in 1690 to the Iroquois Indians against the

French, as a check to the French settlements in the south and west.

But before this, in 1689, the first congress of the Puritan Anglo-Americans of New England was held at Boston to devise means of driving the French out of Acadia. Sir William Phipps was delegated by them to go to England to request the aid of a British fleet.

With eight ships loaded with troops he landed afterwards at Port Royal and captured the unprepared garrison, which consisted of but three men. The Anglo-Americans, as described, were dispersed by the brothers, de La Ronde and de Bonnaventure, in 1710, however, with the province under other leaders, Col. Nicholson appeared before Port Royal with 35 ships of war and transports containing British and Anglo-American troops, to whom the feeble garrison was forced to yield, and three years after, by the Treaty of Utrecht (1713) Acadia was ceded to Great Britain and Port Royal became Annapolis, and the seat of British government in Nova Scotia.

It has been only of recent years, through the diligence of Abbe Camgrain, Rameau, the Chevalier Pascal Poirier and some others, who have hunted up records in obscure corners of cabinets in London, Halifax and Paris, that the truth of Acadia is revealed. Being a border province, it had been the battle ground of the English and French colonists for one hundred years. Being almost surrounded by navigable seas, into which the English thrust their predominating ships of war, it was considered less safe for French settlers, and it was neglected for this reason by the French administration in Canada, in spite of more agreeable climate, beauties of scene, richness of soil and accessibility to the ports of the world. By the feudal tenure system adopted by the Kings in Canada the land had been divided into seigneuries, or lordships, corresponding to those in France. The Acadian tenants paid rent monthly by military service under the leadership of their seigneurs. The seigneuries were few in number and the area of each was very large, because a few occupied the entire province. The principal ones in 1714 were Port Royal with a population of 900; Demines, with 1,718; Cobequid, with 442; Beaubassin, with 840; Chipody, with 170; Poboncoup with 80; St. Jean, with 75; and Cotes de l'Est, with 180. In 1739, the entire population amounted to 7,114; in 1748 to 11,925, and at the time of the deportation in 1755 to 15,000.

The Acadians were people of the best character for mildness, hospitality and honesty. No convicts had been shipped from France to Acadia. The common people were derived from the fishermen of Normandy and Brittany; the farmers of Touraine and the vicinity of La Rochelle, and the ambitious merchant class of the coast cities of France, who came across the sea to trade in furs and the products of the new country. Add to these the explorers and their families, the lords of Canada and their soldier-retainers and the priests and missionaries and the classes of the people are complete. Of the lords of domain after the three great and princely families of La Tour, de Razilli and Denys, were Musse, or Mus, barons d'Entremont, of Poboncoup, the present possessor of which title Hilaire d'Entremont, recognized as Baron d'Entremont, of the Seigniorial Order of Canada, resides (1904) on his ancestral lands at Pubnico, Nova Scotia; then follow Boucher, seigneur of Grand Pre, where the story of Evangeline is laid. This family was sprung from Pierre Boucher, a sturdy settler of Quebec Province, who was an administrator of the country and seigneur of Boucherville; after follow the noble families of D'Amours, seigneur de Jemseg and Deschappeurs, Melancon, seigneurs of La Verdure; Le Neuf, seigneurs of Beaubassin and La Valliere, Maun d'Aprenstigue, seigneurs of Martignan, the seigneurs Dubreuil, Abbadie, Barons of St. Castine (a family connected with the Royal Bourbons); the sieurs de la Boulasi, and the seigneurs de Saint Aubin, le Poupet de la Boulardiére. These with their connection, the magistracy, and the upper class of the "Bourgeoisie" formed quite an aristocracy for so small a population. The houses, or chateaux of the seigneurs were large enough to hold a garrison, and the greater number of them were fortified and built of stone; that of Denys de Fronsac at Nipissieuit contained a battery of six cannon. The castle of the d'Entremonts, called "Chateau du Cap Sable," on the east side of Pubnico Bay, Nova Scotia, destroyed at the time of the deportation in 1756-7, was similar to the others. An illustration from a drawing made of the ruins of Castle Longueuil in 1793 will give an idea of the style of these ancient Canadian and Acadian strongholds.

The headquarters of all this country of Acadia was at Port Royal, now Annapolis, Nova Scotia. Here stands the "old fort," covering 27 acres of land, with earthen walls backed by granite 24 feet high, surrounded by a ditch, crossed by

a draw-bridge and with a "sally port" whose arch is made of Caen stone from France. Here it was that L'Escabot wrote, that La Tour planned his enterprises, and Denys de Bonnaventure matured his attacks on the English in 1707, which cleared them from the province and chased their war vessels back into Boston.

But a few years later was signed the peace Utrecht (1713), by which France relinquished her claims on Acadia in fact contained a battery of six cannons. The vor of England, the territory of which was to be neutral, and the inhabitants permitted to remain, on acknowledging the sovereignty of the King of England over the country and agreeing not to take arms for either the King of France or the King of Great Britain. The letter of Queen Anne of England (written after ward) on the administration of the province, gives instruction for rulership with this understanding.

From this time on until 1749, there was not an English-speaking colony in all that country of Acadia, to-day known as New Brunswick and Nova Scotia. The French garrison in the "old fort" at Port Royal had given place to an English garrison, that was all, and this English garrison, surrounded by the French Acadians, was obliged to depend on this people for provisions, and the transportation of fuel. The English governor, Nicholson, was troubled to think that all these people in a country ceded to England, were allowed by the treaty to remain and yet not be forced to become English subjects. He attempted to frighten them by declaring that they must take oath of allegiance to the King of England, or else leave the country before the year was up. The leaders of the Acadians (1714) decided that they would remove into the French territory of Canada and demanded that either ships be furnished them in which to take their goods or that the French governor at Louisbourg be permitted to send ships to carry them away. But here the English governor was compelled to show his hand: he was afraid to let them go for several reasons; (1) because the exodus of several thousand people into French Canada would re-enforce the hostile French; (2) the abandonment of Acadia by the French would leave the English garrison without the means of gaining provisions and a prey to the hostile Indians; (3) moreover, the retirement of these people, who had sworn neutrality so long as they remained, would put an end to that neu-

trality so soon as they removed and the English garrison, 200 miles from the nearest English settlement, would be likely to fall a victim of some hostile French invasion, (4) in fact, the neutral ground would be abolished.

The correspondence of the English administration in Acadia with the London government shows these reasons to be forceful for preventing the Acadians to retire into French territory. But the English administration kept these reasons from being known to the Acadians. Yet it was necessary to keep up some sort of a front to the Acadians to make them think that they were greatly obliged to English clemency. May 18, 1718, Capt. Boucett, English Lieut-Governor at Annapolis, wrote to M. de Brouilliant, French Governor at Louisbourg, complaining of the long time the Acadians were remaining on English soil and yet refusing to take oath to the English King. M. de Brouilliant replied: "The delay of the departure of the Acadians, as you know, is because of the impossibility in which Nicholson and other governors (English) have put them to execute the promises which they have made, some being unwilling that they might carry off their goods and others, that we may not send material for them to equip their little vessels."

Again in 1720 the Acadians refused to take the oath of allegiance in asserting "That they had been retained in the country against their wish by Governor Nicholson, who had refused to permit them to depart in ships constructed on English soil and had refused the French Governor at Louisbourg who had offered to send ships for them." They were allowed to remain on taking the following oath (1730): "The Acadians recognize the King of England as Sovereign Lord of Nova Scotia and agree not to take arms against him or the King of France." In this oath the original neutral ground of the Treaty of Utrecht was reaffirmed. Gov. Armstrong had labored very hard to overcome the prejudice of the Acadians against being subjects of the King of England. But he found the greatest opposition in the seigneurie of Mines to have come from the Puritan Anglo-Americans of New England, who traded there and who sowed the seeds of republican discontent thus early, even among neutrals. In his letter to England, April 30, 1727 he says: "I have the mortification to announce to Your Grace that we have been unable to obtain anything from the inhabitants of Mines and Beaubassin, which

is in great part due to the intrigues of a certain Gambell, who is associated with certain republican traders (anti-monarchists) of Boston, who traffic at this time in these parts and who teach the most disloyal principles."

The neutrality of the Acadians was of great profit to the English during the war of 1744-46 between the French and English in America. Although expeditions were sent by the French governors of Canada into Nova Scotia to arouse the Acadians into hostility to the English, they preserved their neutrality faithfully. Although parties bent on war and devastation crossed their territories they remained peacefully at home. It was during this war that Louisbourg was cap-

tured by the New England forces under Pepperrell and the British fleet under Warren (1745). But it was restored again to France to the great anger of the Anglo-Americans who hated and feared the French. But the Anglo-Americans were so unreliable that although the British wished to establish colonies in Nova Scotia, they did not solicit colonists in New England, so great was their reputation for tricking and disloyalty, even in those days. A colony, however, was made up in England in 1749. All the offices, viz.: governor, commandant, mayor, aldermen, constables even, were chosen, and when Halifax was founded (such was the name of the colony) "every one was working at his appointed place 48 hours after landing."

CHAPTER V.

THE DEPORTATION OF THE ACADIANS

So soon as Halifax was fortified, Cornwallis, the new governor, issued a proclamation to the Acadians demanding the oath of allegiance to the English King within three months on pain of confiscation of goods. From that time up to 1755, the time was consumed in protests on the part of the Acadians that their country was neutral land under the English King by the Treaty of Utrecht, and that they were under protector of that treaty by the solemn engagement of England and France, but if forced to it, they would leave the country rather than alter their condition. "Leave it, then," replied the governor. But to make it impossible for them to do so and add their strength to the hostile strength of the French in Canada, he established a line of posts across the head of the isthmus and commissioned Capt. Cobb, of the navy, to cruise along the coast with this command: "Whenever the inhabitants flee, or quit their homes as you appear, seize the women and children and secure them in a fort where they are to remain as hostage until the conduct of their relatives may be better known." Besides this, agents were commissioned to take

what cattle, horses and provisions were needed for the British and not to pay for them, as the goods of the Acadians were deemed to be confiscated, held only on sufferance until the government might need them.

Hundreds of the Acadians began to leave the country, and assisted by the French officers of a little post near Beauvallon, they passed over into French territory in spite of the efforts of the English who were so enraged that, although being in time of peace, they sent a force against the little French post and captured it. The Acadians were surrounded now and cut off from their friends. But about this time (1755) the English colonial forces under Braddock were destroyed by a few hundred French on the banks of the Ohio and all the English colonies were filled with apprehension and rage thereat. This gave an excuse to the cupidity of the people of New England who had looked with covetous eyes on the rich fields, beautiful farms and abundant herds of the Acadians. They began to scheme to defraud the unsuspecting Acadians for their own gain. Gov. Winslow, of Massachusetts; to Gov. Lawrence, of Nova Scotia, said that he would provide good farmers from New England for the farms of the Acadians, and these two worthies put their heads together so as

to seize and carry off the inhabitants, divide the real property among the people of New England while the flocks and herds (more than 200,000 head) were to be "taken for the government," but as the records in part show (records of accusation of fraud against Lawrence) went into private pockets.

Now this plot of robbery, incendiarism and murder was concocted without the knowledge of the Royal Government in London, and contrary to the commands sent by Thomas Robinson, President of the Lords of Plantations, in Aug. 13, 1755, to Halifax, enjoining the greatest circumspection in dealing with the Acadians, and warning the governor that France as well as England had guaranteed their rights as neutrals. The British home government had been deceived by the colonial officials all along, backed by the misrepresentations of the New England Anglo-Americans against the Acadians. It had been but recently that the British government had been informed of the designs of plunder and oppression hatched in the colonies and this letter had been sent to prevent it. But the letter did not arrive in Halifax until Oct. 1755, and then all was over! It was agreed between Winslow, of Massachusetts, and Lawrence, of Nova Scotia, that the former should send between 6000 and 7000 militia from Boston to Halifax to be distributed to various points among the unsuspecting Acadians and that transport vessels should be hired in Boston and sent to several convenient stations on the Acadian coast. All this was done, and what occurred at Grand Pre may be taken as a sample of what occurred at other parts:

Sept. 2, 1755, Winslow arrived with 300 soldiers. He issued an order to the men and boys of Grand Pre to assemble in the church on Sept. 5, to listen to a communication from the governor. When that day arrived, he surrounded the church with his soldiers: told the people that they were his prisoners; that their goods were confiscated and that ships were waiting to take them into exile. There is no need to describe the effects of this speech on an unarmed and unsuspecting population. But it is with satisfaction to note that a detachment of Anglo-Americans, with all their officers who went to Beauvais with their damnable scheme of robbery, were cut to pieces by the enraged inhabitants, not one escaping. Their presence near French territory where the Acadians had received arms accounts for this, because the Anglo-Americans had

taken the precaution, long before, to call in all the firearms in other districts. The Seigneur Thibaudeau killed some by his resistance, and at Pubnico, after a few of the inhabitants had been seized, the others rallied and drove off their cowardly assailants.

Apart from the fear of the military prowess of the French, the great stimulant of the Anglo-Americans against Acadia had been the desire of plunder, as well as of proscription. Fennimore Cooper, in his novel "The Spy," tells of the story of his grandfather's visit to Boston at the time (1745) that Pepperrell's expedition was being fitted out against Louisbourg. His grandfather described the equipment of an Anglo-American colonel, and among the most important articles was a "plunder-sack," which contained nothing at that time but a Puritan psalm book, but which was destined to contain valuables stolen from the families of Acadia. And to-day when the visitor in Nova Scotia, from some elevated nook on the north mountain looks across the valley of Annapolis and beyond, he will see where the Yankee's plunder-sack has trailed across the "Land of Evangeline."

But the story of the d'Entremonts is the most interesting of any other Acadian family of this epoch. They were the last representatives of the great proprietors—or princes—of the country, and the only important seigneurial family that had not withdrawn from Acadia, either to France, to Louisiana, to Canada, or elsewhere. The La Tours had died out in the male line and all their immense holdings were vested in the Barons d'Entremont who were descended on both sides from two daughters of the last La Tour. Now these landed claims of the La Tours had been guaranteed both by France and England in the following manner. When Cromwell's men captured Acadia the first time, La Tour hastened to England, and urged to Cromwell that his lands were held from the Crown of Scotland, producing in evidence his and his father's patents as Baronets of Nova Scotia, as they were issued by King Charles I. This evidence Cromwell acknowledged as valid and commissioned La Tour himself as one of the lords-proprietors of Nova Scotia. The French King had acknowledged the same grant previously from the lands inherited from the La Tours, the first d'Entremont, who was major of the troops in Acadia at the time had the troops in Acadia at the time, had the following baronetcy granted him in

company with Lord Ferrant although it seems that subsequently Lord Ferrant ceded his share to d'Entremont or abandoned it as no mention is made afterwards of him in the transactions of the barony. The grant which is preserved among the d'Entremont papers is very interesting as a specimen of feudal enactment.

The patent, translated from the ancient French reads thus:

Was present and appeared personally the High and Mighty Lord Charles de St. Etienne, Seigneur de la Tour Knight of the Orders of the King and his Lieutenant-General in all the extent, towns and coasts of Acadia, Country of New France and proprietor of the places called Piquinche, following and continuing to the concession which he has had at this date Jan. 15 1636, received it and voluntarily recognizes and acknowledges to have by these presents resigned and conferred perpetually under the title of baronage and noble fief, having high, middle and lower justice, holden directly from the said place in the said Acadia as a dominant fief granted to the nobleman Philippe Meuse Ecuyer Sieur d'Entremont, and Lady Madeleine Helis, his wife, nobleman Pierre Ferrant and Lady Mathurine Sicard his wife, being present, and accepting for their heirs from us according to the power given us by His Majesty (the King) shown in the letters patent dated Feb. 20, 1650, in consideration of the particular merit of the said Lords d'Entremont and Ferrant and of their good and faithful services which they have rendered us personally. We have to give and alienate, and we do give and alienate by these presents to the said Lords d'Entremont and Ferrant, and to their said wives, in equal participation, the extent of one league in depth by four leagues in length of the place called Pubnico (Pubnico), to be enjoyed by them and their successors and having cause and full proprietorship, rights of justice and seignury forever under the title of baronage and noble fief, on condition of rendering homage by the presentation of a beaver-skin and two bouquets on the anniversary of St. Jean Baptiste each year according to the code of Paris. The said Lords d'Entremont and Ferrant, their heirs and successors, shall have perpetual rights of the chase and fisheries in the waters and woods of said lands on condition of rendering said homage to said Lord de la Tour and his successors for the lands and baronage of Pubnico."

Given and passed at Fort Port Royal (Acadia) the 17th July, 1651, in presence of the witnesses hereafter signing."

(Signed)

Charles de St. Etienne
Emmanuel Le Dougue de St. Mais
Philippe Meuse d'Entremont
Pierre Ferrant
Madeleine Helis
Mathurine Sicard

La Verduze"

In 1755 the castle of Cap Sable was standing on the East side of Pubnico Bay within the barony which the d'Entremonts had acquired from Count de La Tour. This was the residence of Jacques de Meuse, Baron d'Entremont, descended from both daughters and heiresses of La Tour and the La Tour arms were engraved in stone over the castle archway. About this castle dwelt the retainers and families of the d'Entremonts, numbering in all 200, according to the census of the time.

It was in the summer of 1756 that there sailed into the peaceful harbor of Pubnico and moored near the castle, an armed ship from Boston, commissioned to capture and disperse the Acadians in this remote part of Nova Scotia.

The leader and his men landed, entered the castle of the unsuspecting baron, and seized him and his three sons after some resistance and were proceeding to plunder the place, when news of their presence spread afar.

The tenants rallied with firearms in their hands and drove back the invaders who retreated to their ship, after setting fire to the castle and the neighboring buildings, and set sail for Boston with their captives.

The captive Acadians gathered in Boston from all parts of Nova Scotia numbered at this time (1756) about 800 but the old Baron d'Entremont was the only titled one among them.

He was treated with great civility by Sir William Shirley, who presented him with a sword-cane and a silver watch, the same being in possession of the family at Pubnico to this day. As well, he was allowed the freedom of the city, where he taught French and mathematics.

The captivity of his family endured until 1766, three years after all Canada had passed to the British. The old baron died in Boston before this and was buried

in one of the grave yards in Roxbury. The Acadians were allowed then to return and take up the refuse lands, which had been too poor to attract the greedy Anglo-Americans. This is why that, in Nova Scotia of to-day, the traveller finds that the "Land of Evangeline" contains none of Evangeline's people.

The three sons of the baron were among these and were on their way to Cape Breton to settle when Gov. Lawrence offered to restore them a portion of their lands at Pubnico—the rocky and sterile portion, where their descendants have remained ever since. The head of the family, re-

cognized as the Baron d'Entremont in the Seigniorial Order of Canada, is Hilaire, well known among historians of Acadia, both in Canada and France, the friend of Abbe Casgrain and the antiquarian Pameau, in whose work, "Acadia—a Feudal Colony in America," Hilaire d'Entremont has worthy mention. It seems that as Britain disavows all implication in this robbery and proscription of a people dwelling under protection of a treaty made between Britain and France, that any claims legitimated by documents are valid to this day against the treasury of England.



PART II.

CHAPTER I.

HOW CANADA ACQUIRED LOUISIANA

In travelling westward up the St. Lawrence, the early explorers penetrated to the centre of the North American Continent. Champlain relates in his memoirs of his adventures on Lakes Erie and Ontario, and Nicolet pursued his course to Lake Michigan. In the "Relations of the Jesuits" of 1640 is told how "The Sieur Nicolet, who had the furthest penetrated into the country, assured me that he had travelled three days on a great river that flows in the midst of the country, that he would have found the sea at the north of Mexico, and that from this sea one might reach China and Japan."

The Intendant Talon, who was Count d'Orsainville in the Seigniorial Order of Canada, commissioned Louis Jolliet, an explorer and trader and graduate of the Jesuit College to make a voyage down this great river, named the Mississippi—the "Father of Waters"—to the Mexican Gulf. His report received by the governor, the Count de Frontenac, three months afterwards, made known to the rulers of Canada how they might extend the limits of their principality to that Gulf from the Great Lakes, and by fortified positions along the mountains which follow the course of this great river, but further to the eastward (the Appalachian Ranges) keep the English, who were entering the continent from the Atlantic, from penetrating further west than the coast lands. Jolliet received as reward the seigneurie of Anticosti, which remained in his family for more than 200 years.

The subsequent achievements and conquests in this new country afterwards known as Louisiana, were planned and carried out by Canadian men and that country as a colonial adjunct was peopled by Canadian colonists.

The great country of Louisiana which, by occupation, came into possession of Canada in 1683, comprehended what are

now the states of Texas, Iowa, Louisiana, Nebraska, Mississippi, Colorado, Arkansas, Kansas, Missouri, Illinois, Wisconsin and part of Alabama.

Along the warm shores of the Mexican Gulf, sugar cane, rice and the fruits of semi-tropical lands are plentiful. The drier portions of the coast and the highlands of the interior are judged to be salubrious. Malaria, however, affects those who inhabit the river-bottoms. The Rio Grande was the southern boundary, the northern limits touched Canada, the Mississippi basin formed the eastern outline, the disputed portion of which extending as far as the Allegheny Mountains was often the battle ground of the French and English, and in the southern portion along the coast of Florida, the scene of many a bloody dispute with the Spanish.

The Spanish de Soto had traversed this country in 1539-40, searching for some community of civilized natives whose riches might furnish plunder to the cupidity of the adventurers who followed him.

In 1683 Cavalier de La Salle gave the Canadian proposition to King Louis XIV of France to unite the lands not claimed by Spain on the shores of the Gulf of Mexico to the French possession of Canada. He had explored it from Canada to the Mexican Gulf. He urged that this would secure the French in North America, because the Mississippi river is the means of easiest communication on the continent and would be entirely within French limits.

Four vessels with 280 persons, commanded by de Beaujeu were placed at the disposition of Cavalier de La Salle, and July 23, 1684, they left the harbor of La Rochelle behind them on their western voyage.

De Beaujeu from military pride refused to be guided by plans sketched by La Salle. Through a studied indifference of the same, he permitted the Spanish to seize one of the vessels off San Domingo.

Continuing the voyage, they reached the

mouth of the Mississippi which they failed to recognize on account of its size. Feb. 14 they entered the Bay of Matagorda, 120 leagues beyond the Mississippi. There, through the negligence and disobedience of one of the captains, another of the vessels was lost, being wrecked on a reef.

La Salle landed with 80 men of the company, and March 14 de Beaujeu raised anchor and sailed away, leaving them to their fate in that unknown and desert country. There La Salle built two forts, one of which he named St. Louis in honor of the King. After abiding long enough to make explorations of the country and to determine his position, he started along the shores of the Gulf to find the Mississippi. Soon the party had their boat wrecked. La Salle left Le Barbier to command Fort St. Louis and began his march with 17 men in the direction of Canada, whence he expected to derive assistance for those remaining behind. That country he was destined never to see, for he was assassinated by some criminal characters among his men. His last resting place is on the banks of the Rio Brazos. The little garrison left at Fort St. Louis was attacked by the Indians who massacred all but five who were led into captivity. Thus ended the attempt of this great man who had been enrolled in the Canadian noblesse.

After his return from defeating the English at Hudson Bay, Iberville urged the minister de Pontchartrain to resume the plan of creating a state in Louisiana. Furnished with authority he departed from La Rochelle with two ships in September 1682, accompanied by his brother, the Seigneur de Bienville and the Seigneur de Sanvole. He arrived at San Domingo in December. At Pensacola, the Spanish commander refused him admittance, and after great difficulty he found the entrance of the Mississippi, which seemed rather a great arm of the Gulf extending inward than the mouth of a river. He returned to France to report and was commissioned the first governor-general of Louisiana.

The first colony which he settled between the Mississippi and Pensacola was composed entirely of Canadians. The court of Spain, jealous of French encroachments on the Gulf, promised to give these lands to French Huguenots who were being driven out of France, and King William III of England supplied three ships to aid in bringing them over. But agreement of friendship and self-interest being concluded between France and Spain, these Huguenot settlers were

diverted to the coasts of Virginia and the Carolinas, where they occupied honorable places. Massachusetts offered any of them who might choose to settle in that colony the rights of representation in the General Court.

Now from the first there began to be a great difference in the manner of living of colonists in Canada and Louisiana. In Canada the colonists wandered away from the coast and established themselves on the fertile lands of the interior, being compelled to cultivate the fruits of the earth in order to have supplies for the long winters. But in Louisiana they clung to the seaboard and searched for mines of precious metal, for pearls in the Gulf and for posts to establish trade between the natives and Europe. The climate permits the neglect of agriculture in Louisiana because there are no land-locking winters and the abundance of provisions in a state of nature removes the anxiety of want.

In 1701 the Chevalier d'Iberville founded Mobile and de Bienville became chief of the colony.

In 1702 d'Iberville died.

He was one of the most illustrious sea captains of his time. Twice d'Iberville had relieved the English in Newfoundland, occupied Permaquid, conquered the Hudson Bay District, founded Louisiana and finished his career as chief of the naval squadron in the battle of Havana.

The family of this first governor, Gabriel Lemoyne, Chevalier d'Iberville, is of great renown. The governor was the fifth child of Charles Lemoyne, Seigneur de Longueuil in Canada, and a relative of the Marquis de Longueuil in Normandy. The governor's eldest brother, Charles, was administrator of Canada and the first Baron de Longueuil. Another, Louis, Sieur de Chateauguay, was military commander in Louisiana; another, the Sieur de Serigny, Marquis de Loire, commanded the troops at the battle of Pensacola against the Spanish; another, Jean H., was the founder of New Orleans in 1717, and governor as the Sieur de Bienville.

Among the members of Canadian families who at this time and a little after, participated in the establishment of Louisiana were: Nicolas Daneaux, seigneur du Muysborn in 1651, son of Jacques Daneaux and Catherine Driot (St. Martin, Beauvais.) He was captain of marines, governor of Louisiana. He married at Boucherville, Canada: first, Marguerite, daughter of Pierre Boucher, seigneur de Boucherville; 2nd, Catherine, daughter of Charles d'Ailleboust.

Hortel de Rouville, cadet of the noble family of Hortel de Courmoyer, of Normandy, was one of the families founding the province of Canada. Jean H. Hortel, chevalier de Rouville, captain commandant of the port of Toulouse, Isle Royale, was one of the most distinguished officers of Canada whose son went to Louisiana with the troops.

Pierre You, sieur de la Decouverte in Arkansas, was an ensign of troops. He was born in 1660, son of Pierre You and Marie R. Perrot, of St. Sauveur, Canada.

Mathurin F. Martin, sieur de Lino, born in 1655, son of Claude Martin and Antoinette Chalmette, of St. Nizier, Lyon, was the Canadian ancestor of the founders of Chalmett, near New Orleans.

Juchereau, sieur de St. Denis, of a noble family of Canada, derived from the feudal aristocracy of France.

Antoine de la Mothe, sieur de Cadillac, captain in 1699, commanded at Ft. Pontchartrain in 1700, governor of Louisiana in 1714, was born in Canada in 1661. He married at Quebec Marie A., daughter of Denis Guyon in 1687. He was son of Jean de la Mothe (brother of the Marquis de Jourdis) and his wife was Jeanne de M'clenfant, of Toulouse.

Le Gardeur de Tilly is an ancient family of the Norman noblesse, the first of whom in Canada was Rene Le Gardeur, sieur de Tilly, who married Catherine de Corde. One of his sons was Pierre Le Gardeur, seigneur de Repentigny, lieutenant governor of New France. This family possessed many seigneuries in Canada. Besides this branch, the cadet branch, Le Gardeur de Villiers immigrated to Louisiana at the time of the Canadian occupation.

Joseph Coulon, sieur de Jumonville, born in 1716, son of Nicolas Coulon, sieur de Villiers, married at Montreal in 1743, Anne, daughter of Jean P. Seumande.

The family of Villeray that gave so many prominent names to Louisiana, was derived from Rouer de Villeray, who was one of the earliest members of the Canadian noblesse and of the Sovereign Council of Quebec.

Among the creations of new fiefs in Louisiana holding under the Seigniorial Order of Canada was one granted to Le Sieur d'Yamaska in 1750. But the most noteworthy was the Duchy of Arkansas, containing 175 square leagues, which was conferred on John Law, finance minister of France, from whose brother, the Count de Lauriston, descended the Marshall de Lauriston, of the time of Napoleon.

John Law belonged to the Scottish

family of Law, baron of Lauriston in Scotland. He had escaped from England to France to avoid being arrested for killing a man in a duel. In France he had arisen by his eminent talents to a cabinet position. His wife was a daughter of Nicolas, Earl of Hunsbury, but although having two children to inherit the titles of his duchy, they left no descendants so that all rights of representation in this respect revert to the line of his brother, whose son was the French marshall, before referred to and first marquis de Lauriston.

There was a grant of arms also to a Canadian family on the Missouri named Veniard, described

"D'azur, a un sauvages au naturel assis sur une montee d'argent."

And here from a contemplation of those whose rank has been granted from the recognition of their merit, it may be said that that contemplation refutes the reproach made by Kingsford in his history of Canada, that there was no scope for merit under the French regime. Let the career of Pierre Boucher be read from simple colonist to seigniorial rank and to supreme administrator of the country, the rise of the Lemoyne brothers, Longueuil as governor-general, Iberville, as admiral and governor-general of Louisiana, Bienville, as governor-general of Louisiana, the opportunity offered other native Canadians, that to Rigault de Vaudreuil to be governor-general; that to Denys de Bonnaventure, to be admiral; that to La Mothe de Cadillac and Le Gardeur de Repentigny, to be governor-general, and then point to a single native Canadian who has been governor-general, or admiral under English administrations? Where in the order of merit established by the Kings of France under the English administration and with what, besides the encouragement given to commercial explorers of the provinces and to political fortune-hunters has the English administration replaced it?

After the death of Iberville, unfortunately for the Canadian colony, in Louisiana, a French merchant obtained the monopoly of trade in the province without any other responsibility than that of filling his pockets. He bore the name of Crozat and his rights of monopoly were for 16 years.

De Muys succeeded Iberville, and La Mothe de Cadillac succeeded de Muys as governor-general, while Duclon replaced D'Artaquette as commissaire-ordonateur.

In the meantime, in spite of the protests of the noblesse the country was suffering much under this Crozat system.

which loaded the people with the exactions of trade-tariffs. The Spanish in Mexico shut their ports against the colony also, although Jachereau de St. Denis (Canadian) made skilful efforts to prevail on them to come to easier terms.

In this extreme adversity, the Natchez Indians, with some others, tried to destroy the French, but they were humbled and compelled to build a fort in their own territory to be placed under control of the French. This fort was the beginning, in 1715, of the city of Natchez.

It was at this time that Jean Law invented the system of issuing paper money redeemable in gold. In order to find the gold to redeem these promises of pay, he proposed to develop the wealth of the colony. The treasury of France, which had become exhausted of coin long ago, was relieved by Law's system. In 1717 he founded the "Company of the West," on a capital of 100 millions, and obtained from France, Switzerland and Germany colonists to cultivate the banks of the Mississippi. De l'Espinay (Canadian) was appointed governor and Hubart "commissaire-ordonnateur." Besides, Biloxi, Isle Dauphine, Mobile, Natchez and Baton Rouge (on the Mississippi), several other places were occupied, and Bienville in 1717, with a company of laborers, laid the foundations of New Orleans, named in honor of the Duke of Orleans, then regent of France. De Pailloux was made governor of the new town, which in 1723 became the seat of government.

Great vigor was instituted for the purpose of colonizing rapidly the country and developing its wealth. Bienville continued to be governor-general and director of the company in America, de Pailloux was major-general Dugue de Boisbriand (Canadian) commandant among the Illinois Indians, and Diron, inspector-general of troops. From La Rochelle, in 1717, 800 colonists had set out, among them Lepage Duprats, the historian, and many gentlemen and retired officers. The gentlemen and officers came with the expectancy of obtaining seigneuries like those in Canada. Jean Law, as said before, obtained the dukedom of Arkansas on the river of that name, which he peopled with 1500 Germans and settlers from the south of France. He was about to send 6000 more from the Palatinate when the company which he had founded dissolved, and the colony was left to continue on what strength it had acquired already.

The colony had proceeded far enough to excite the alarm of the Spanish, the hostility of the Indians and the jealousy

of the English. Besides the places already founded, more were springing up, namely, Yazoo, Bayagoulas, White Oaks, Pointe Coupee and Riviere Noire.

The Spanish lost all hope of obtaining the concurrence of the English for the expulsion of the French from Louisiana by the discovery on the part of the English of the plan of Alberoni, minister of Spain, to aid the Stuarts in exile, to drive the King from England who had been chosen by the English parliament in place of the Stuarts. At the same time, Alberoni made a conspiracy with some of the French who disliked the regency of the Duke of Orleans, to put Philip V, King of Spain, at the head of the French nation—he being nearer in descent from the ancient kings of France. So both England and France on the discovery of this plan began a war on the Spanish possessions by land and sea. De Serigny (Canadian), from New Orleans, captured Pensacola from the Spanish in 1719, the Spanish commander there being Don Juan Piero de Matamoras. Another of the Lemoyne brothers, the Seigneur de Chateauguay, commanded the Canadian contingent in Louisiana on this enterprise. The Marquis de Valero, Spanish vice-roy of Mexico, sent Don Alphonso de Carrascosa soon after with a fleet and an army which retook Pensacola. When the army which retook Pensacola. Then the Count de Champmeln with a French naval squadron, and de Bienville at the head of the Canadian contingent, after a battle by sea and land, wrested Pensacola again from the Spanish and dismantled its fortifications. Another Canadian who distinguished himself in this war was de Villeville.

In 1723 Louisiana passed under authority of the French West Indian Company at the head of which was the Duke d'Orleans. The government consisted of a governor and intendant who were to mediate between the inhabitants and the company, but as both of these officials were nominated by the company and received a percentage of the revenue, it is easy to understand to which side they were likely to incline.

About the same time, all the Indian nations from the Ohio (Belle Riviere) to the sea formed a conspiracy to massacre the French. Among them were the Chickachas, the Natchez and the Chactas. The war that followed employed all the arts of the French in battle and diplomacy. At its close, in 1731, a revolution occurred in the affairs of the company, and the government of Louisiana came to the direct nomination of the King of France.

From 1731 until 1760, although the French in Canada were engaged in an unequal and desperate struggle with the English, which resulted in France ceding Canada to England by the treaty of Paris of 1763, Louisiana was undisturbed by the war. The people were beginning to grow rich and prosperous when the governor d'Abadie (of the same family as d'Abadie, Baron de St. Castine, of Canada) was commanded by the French commission to communicate the treaty of 1763 to the inhabitants. The governor died of a broken heart, because by this treaty, Louisiana was ceded to Spain. Aubry, his successor, charged with fulfilling the commission, allowed time to elapse. The people of Louisiana protested to the French court that they should not be ceded to Spain. When the Spanish general San Antonio d'Ulloa presented himself before the city of New Orleans in 1768, the people forced him back to his ship. They declared they would not be ceded without their own consent. In 1769 Gen. O'Reilly arrived with 3,000 Spanish troops and the people rose in arms to repel the landing of the Spanish, but they were appeased by their own magistrates who sent Lafroniere, the procureur-general, to O'Reilly, with the submission of the people.

O'Reilly, the first Spanish governor (an Irishman) pretended much respect for the feelings of the people and maintained the ancient laws and customs. But, after a while he changed abruptly. Lafroniere and other leaders of the French protested. O'Reilly apparently heeding their protest called together 12 deputies of the people to draft a code of laws. These deputies assembled and waited for him. Finally he appeared in their midst at the head of a troop of guards who seized the deputies, loaded them with chains and cast them into a dungeon. Six of them were shot, among them being Villeray, Lafroniere and the other six were sent to a prison in Cuba.

This province need not have been separated from Canada, but for the stupidity that English parliamentary control had exerted at the time of the acceptance of the treaty. It seems that the King of France in ceding Canada to Britain in 1763 had offered to cede Louisiana also in exchange for Florida, but the offer was refused. Had the offer been accepted, Canada would have had its original province with the Great Lakes, the Mississippi Valley, its ports on the Mexican Gulf and its territory of nearly a million square miles of the best lands of North America.

CHAPTER II.

FIRST ATTEMPT TO REUNITE CANADA AND LOUISIANA.

(1792—1798.)

Opposition to Spanish rule, however, was not killed by the treachery of O'Reilly, but by the kindness and magnanimity of Charles III, King of Spain, who placed afterwards the management of the affairs of the province largely in the hands of the very seigneurial families who had been in favor of resisting the transfer of the province to Spain in 1763. Not only this, but he raised and commissioned in any province on the continent of Louisiana—the only royal regiment ever raised in any province on this continent of North America outside of Canada. The good King went further yet, for he felt that by leaving the administration in the hands of families of the Seigneurial Or-

der he could rely on their honor, and so he had extended the dignity of his knighthood among the most eminent of their members, as Knights of the Order of King Charles III. No nobler monument to the wisdom and magnanimity of kingly rule could be evidenced as the result of this conduct than the prosperity and happiness of the people under this regime. But after the murder of the King and Queen of France by the human devils raised into power by the French Revolution of 1792, and the ingress of royalist exiles bringing with them a legitimate horror and detestation of republican institutions, the menace of the regicide republic of France to the Bourbon King of Spain, then as well the Monarch of Louisiana, caused several of the leaders of New Orleans to begin to prepare for eventualities. In Canada, which lay adjacent to Louisiana, extending to the Great Lakes, the noblesse in public assembly at Quebec denounced the French revolution. At the same time under the unconstitutional in-

fluence of the British Parliament in Canada, using the Royal prerogative, the French seigneurs were placed in a most peculiar situation. Through their efforts alone, in the field, although abandoned by their tenants, they and theirs had stood in arms in 1775-6 and beat back the Yankee invaders at the beginning of the American revolution and had saved Canada to the British Crown. They had done this duty as feudatories of the Crown, fulfilling the obligations which they had entered into by treaty in 1763 on condition that the Crown would fulfill its obligation to them. And here the English House of Parliament in Canada, clearly in line with its policy of using the Royal prerogative to wrest tribute from the colonies without recognizing the rights of the Crown and the noblesse in the colonies, had raised up a political party of its own in order to deprive the seigneurs of their legitimate authority and precedence.

The opposition of the English parliament and the democracy in Canada to the French aristocracy and the communication of this aristocracy with its offshoot in Louisiana led to a plan in 1798 in New Orleans to wrest Canada from the abasing tyranny of this domination and unite it with Louisiana into one state, in the Spanish Empire, as it had been derived from that of the Emperor Charles V in the XVI century.

In 1798 the most important personage in Louisiana was the Chevalier Pierre Denys de la Ronde, Colonel of the Royal Regiment of Louisiana, commander of the forces, and "Alcade del Cabildo." His elegant manor house "Versailles," was at Algiers, opposite New Orleans, some vestiges of which are said to be yet visible. His father had come from Canada as a major of the French marines sent into Louisiana from that province, where he was of the Seignourial Order and a Knight of the Order of St. Louis. His grandfather was Louis Denys, Sieur de la Ronde, who had been lieutenant-governor of Acadia, and a brother of the great de Bonnaventure. Colonel de la Ronde was related also to the leading Spanish families in New Orleans, especially through the marriage of his sister Louise to Don Andre Almonaster Y Roxas, who had been colonel of the Royal Regiment, commander of the forces, Knight of the Order of King Charles III, and Alcade del Cabildo, who had founded the St. Louis Cathedral, the palace of justice, the presbytery and several schools and hospitals. Col. de la Ronde had succeeded him as the front

and leader of all the aristocracy of Louisiana.

Now it seems that there were in the United States at this time, a great many persons, former royalists, and others, who were dissatisfied already with the hypocrisy, cynicism and corruption of the imposed republic and its guardian horde of republican blatherskites. Especially was this feeling strong and openly spoken in those places adjacent to the former French posts along the Mississippi from Detroit, and St. Louis southward. Whether there were any of the Stuart adherents, who had invited the royal heir to America in 1776, at the beginning of the colonial struggle against the English parliament that had begun to use, unconstitutionally in the colonies, prerogatives which belong to the Crown alone, and which all the colonies disputed to the parliament, but recognized to the Crown, cannot be said. But the principal one of these former royalists who joined the French and Spanish party with numerous others at this time, was Col. John Connolly, of Detroit.

Col. Connolly had been a royalist officer in the war of 1776, holding commission under Lord Dunmore, of Virginia. He had raised the Royal Forrester Regiment for the King in 1872, and out of his woods and fields has grown the present city of Pittsburgh. With other Royalists scattered over the various states, but more especially among those of his former acquaintance in the Valley of the Ohio, along the borders of Kentucky, Virginia and where Pennsylvania meets these states, he gathered the beginning of a determined band, resolute, faithful, and disgusted with the lies, treachery and low down villainy of the rising republicans. These circumstances and disturbances led them to a union. It seems that in 1796 the treaty which Spain signed with Holland excited the fears of the English, especially as the former French monarch, the King of Spain and the court of Holland had recognized the Stuart heir as the rightful King of England. With the royalists in Louisiana communicating with the royalists in Canada and the United States, the entire affair had a suspicious look, and England prepared for war.

Now there happened on the scene at this time one Miranda, born in the Spanish province of Venezuela, who had served in the American revolution and afterwards was a general in the armies of revolutionary France. He was desirous of propagating revolutionary doctrines as a financial investment in the Spanish pro-

vinces of South and Central Mexico, and had worked up a great propaganda. Apart from the fear of Yankee republicans and English parliaments concerning the imperial programme of Louisiana, he knew that the United States would like to acquire Louisiana to secure the entrance of the Mississippi and that England was greedy for the carrying trade of South America. So far as may be learned from his history he was a hypocrite, and not above the capability of doing any infamy for money. He had been expelled from France, where even the infamy of the leading revolutionists saw so much of the greater rascal in him as to cause them to be so jealous for their own laurels in this particular as to make it too hot for him. But he was well received by the Congress of the United States and the British Parliament, both of which bodies listened to his disclosures against the royalists, and adopted his plans "wresting from the house of Bourbon the Spanish domains in America, although at that time (1798) Spain was at peace with these powers. John Adams was president, and although the English held so high an opinion of him that it has been concentrated in the phrase of Canning "that scoundrel Adams," the mutual dislike of both nations did not prevent their approachment for the spoliation of Spanish dominion. England was to furnish the naval force and quantities of arms and munitions and to operate against the Spanish in South America, and the United States was to furnish troops and have as their share of the plunder Louisiana and the basin of the Mississippi.

The jealousy of Spanish laws permitted only one British ship a year to enter certain ports of her South American provinces; the royalists were threatening to divide the United States; these were the pretexts of the two countries. Plausible and flexible Miranda obtained some credit in England. He was able to show that a revolution to "liberate" the provinces of South America from Spain had quite a following and their independence would lead there to British commercial supremacy. He was equally successful in winning favor in the United States by showing that Yankee aid to his scheme would be paid for by the possession of the Mississippi, with Louisiana and other places on the Mexican Gulf. He hoped to get a bag of plunder himself. As early as the presidency of John Adams the government of the two countries had approached each

other with an understanding to be embarrassed of a common foe by taking Louisiana themselves.

In regard to this union of Britain and the United States against the legitimists in 1798 and for spoils, Miranda and the Yankees had an ulterior motive 'to reduce every class and race to a mongrel level and to republicinize the continent. England agreed to furnish "A train of artillery, clothing for 25,000 men, swords, pikes, tents, telescopes and other general munitions of warfare." The United States was to send "7,000 men to assist in accomplishing the plan."

Feb. 15, 1798, President Adams requested the opinion of his cabinet on the subject. Attorney-General McHenry believed that "A formal treaty ought to be avoided, but that Great Britain might be prevailed on to vest ample authority in her ambassador to the United States for necessary co-operation."

The possibility of a war with France and Spain on this account caused Congress to order a large increase in the army. Washington was appointed commander-in-chief, with Alex Hamilton as next in authority. The equipment of 12 regiments was begun in the West with rendez-vous at Fort Washington (Cincinnati.) Here flat boats were constructed for their transportation down to Louisiana. At this time Miranda wrote Hamilton. "It seems that the time of our emancipation draws near and that the establishment of liberty (?) in the whole continent of the New World is intrusted to us by Providence." (!) (Noble abstractions for such noble designs !)

Aug. 22, 1798, Hamilton wrote Miranda: "It was my wish that matters had been ripened for a co-operation in the course of this fall, on the part of this country. . . . The winter may mature the project and the effectual co-operation of the United States may take place. In this case I shall be happy, in my official station, to be an instrument of so much good." (!)

Again Aug. 23, 1798, Hamilton wrote Rufus King, U.S. minister to England; "In regard to the enterprise in question, I wish it much to be undertaken, but I should be glad that the principal agency was the United States—they to furnish the whole land force, if necessary. The command in this case would naturally fall on me, and I hope I should disappoint no favorable anticipation."

But the plot was known soon in France and Napoleon intervened and obtained the province from Spain.

CHAPTER III.

THE SECOND CONSPIRACY TO RE-
UNITE CANADA AND LOUISIANA.

(1800-1810.)

Napoleon, who had arrived to greatness in France and was first consul in 1798, prevailed on Spain to cede Louisiana to France in 1800 by the treaty of St. Idelphonse. He prepared an expedition of 15,000 men and a train of artillery for New Orleans, but the chief of this expedition was obliged to lend the aid of his troops to put down the servile revolt in the French province of San Domingo, where almost all of the soldiers perished of fever and malaria. At the same time, war with England was likely to occur and his newly acquired province of Louisiana was left without defense. The Yankees were already separating themselves from their previous concurrence with England to possess Louisiana, and their agent, Livingston, was in Paris ready to make any arrangement with the French for the possession of Louisiana, in spite of their pledges of an alliance with England. Napoleon was too shrewd to place any faith in Yankee promises founded on so unstable a basis as Yankee "honor," but he knew that if he sold Louisiana to the United States he would at least have the money for it, and at the same time make a break in their friendly intercourse with England.

On April 10, 1803, he called his two colleagues together and thus addressed them: "I know the value of Louisiana and I had wished to repair the fault of the French negociator who had abandoned it in 1763. A few strokes of the pen have recovered it, and I see that very soon I must give it up again. But, if it escapes me, one day it will cost dear to those who cause me the sacrifice. The English have taken from France successively, Canada, Isle-Royal, Newfoundland and Acadia, and the richest parts of Asia. They have worked and plotted in San Domingo. But they shall not have the Mississippi Basin. Louisiana is nothing in comparison to their aggrandisement in other parts of the world. Yet their jealousy at seeing this colony return to France announces that they have in mind to seize it. Already they have twenty vessels in the Gulf of Mexico and they sail those seas as sovereigns. I wish, if there be yet time, to deprive them of the possibility of ever possessing

it. I wish to cede it to the United States."

Calling for the advice of his colleagues, he was responded to by one in this manner: "It is necessary to give up the place. . . . You have scarcely fifty soldiers there. Where are your means of sending garrisons? of constructing a line of forts along 400 leagues of frontier? . . . Louisiana is open to the English from the north by the Great Lakes, and if at the same time they present themselves at the mouth of the river, New Orleans must fall. . . . On the other hand, the conquest would be easier for the United States. They can invade the country by several navigable rivers of which it is necessary for them only to enter to become masters. . . ." The other colleague was of a contrary mind. "We are," said he, "yet at peace with England. The colony which has been ceded to us, depend on the willingness of the first consul. It would not be wise to abandon, in the fear of a doubtful danger, the most important establishment we have outside of France herself, and to rob ourselves without any other cause than the possibility of war. Better far be it taken from us by force of arms. If peace is maintained, its cession cannot be justified, and this premature act would be the subject of profound regrets. Its preservation on account of commerce and navigation will be of great value and an inestimable joy in our maritime provinces. The advantages drawn already from our colonies are yet present to us. Ten flourishing cities have been created by this commerce and the opulence and luxury which embellish Paris are the effects of colonial industry. . . . You will not submit it; you will not acknowledge it by your resignation, that England is the mistress of the seas and that one may not possess colonies save at her good pleasure! . . . If they might seize Louisiana, as you fear, Hanover is yet in our hands as a pledge for their good behaviour. France, deprived of her marine and colonies is robbed of half of her splendor and a great part of her power. Louisiana is able to recompense us for all our losses. Nowhere on the globe is there a port capable of becoming so important as New Orleans. . . . The Mississippi is at the door, re-enforced by twenty rivers which surpass the grandest and most beautiful of Europe. The navigation to the Indies, in doubling Cape of Good Hope, has altered the marts of commerce and ruined Venice and Genoa. Then what will happen if some day, a canal is open through the Isthmus of Pa-

nama? . . . Louisiana will be on this new route, and it may well be seen that this possession is of the greatest value." (Barbe-Marbois, Hist. de la Louisiane.)

Napoleon interrupted the council and the next day, on account of the increasing menaces of England and the great preparations of war which were made known to him by dispatches, he decided to renounce Louisiana, and cede it to the United States. His first price was \$50,000,000. To some objection made that the United States, in the course of three, or four centuries might become too strong he replied, "I am not embarrassed by those fears, for rivalries will spring up in that union to destroy its power. Confederations which are called 'perpetual' do not endure when one of the contracting parties finds it to his advantage to break them, and the present dangers from England are more needful of our attention."

After a conference with the French commission appointed by Napoleon to meet Mr. Livingston, the representative of the United States, the purchase money was fixed at \$30,000,000. The conference had three objects: First, the cession, then the price, finally the indemnity to Americans for vessels taken by the French when the United States broke the treaty of alliance made in 1778.

The treaty of cession reads thus: "The colony, or province of Louisiana is ceded by France to the United States with all its rights and belongings, in same manner in which it had been acquired by France in virtue of Article III of the treaty concluded with His Catholic Majesty at St. Idelphonse, Oct. 1st, 1800." (Hist. de la Louisiane, by Barbe-Marbois.)

Now this transfer to the United States did not deter the legitimists or royalists from having some hope. It was suggested to interest Napoleon to assist in erecting in the New World the idealism and royalty of the Empire of Charles V. Napoleon had regretted already the sale of the province to the United States, so soon as he learned of the strength and organization of those who had been cheated by the Democracy in America out of their birthright.

The rage of democracy, which had grown up in America, with the most radical element of the revolution had expanded into an expression of the greatest violence and atrocity in France. All that was polite, refined and elegant had been proscribed. Even the smallest children of the Democracy were murdered with horridities by mobs of creatures who knew vir-

tue but in ignorance, brutality and violence. While the civil society of France was replaced by this mob of execrable fanatics, the army, that had been nurtured by the monarchy remained. So long as this miserable French republic endured a suspicion existed between this republic and the army, that the army officers might restore the monarchy by force of arms. For this reason, deputies were sent into every camp, each delegation carrying a guillotine so as to be able to kill any officer suspected of lukewarmness to the republic. Napoleon, one of these officers, succeeded after a while in crushing out the monster, by clearing the hall of assembly of its government by the bayonets of his grenadiers.

So soon as Napoleon was established in France by the army which had been created by the monarchy, he gave to his government a monarchical character under the name of empire. The chief officers of the army were ennobled. Those who were noble already, renewed their rank under the empire. As a re-enforcement of his power, he established principalities elsewhere. In Egypt, he had dreamed of reviving the kingdom of the Ptolomies; in India, he had projected the renewal of the mogulship of Delhi; in Louisiana, he was brought to desire the empire of Charles Quint resurrected over the New World.

In the sixteenth century the greater part of all America had belonged to Emperor Charles Quint. His full title was Charles, Grand Duke of Austria, King of Spain, etc., and Emperor of the Romans. The latter title was his greatest. The title of Emperor of the Romans was kept up in Europe until 1806, Francois II being the last Emperor, resigning that title for that of Emperor in Austria. From being the rulers of Europe, the Emperors of the Romans, whose universal power had dwindled to the limits of their own petty states, had been allowed to be arbitrators in European disputes, although their decisions were not always respected.

But in the time of the Emperor Charles Quint, his own particular states made him the most powerful monarch in the world. His banner of the Imperial Eagle floated over Germany, Austria, several Italian states, Spain and the Americas. By imperial edict he had incorporated America as a part of the Holy Roman Empire and subject to imperial sway. At his death, while he left the imperial title and the greater of his European possessions to his eldest son, to his younger son Phillip II of Spain he left his American possessions America pass-

ing out of the actual control of the Emperor, had been seized on here and there by other European States, by France, by England, by Holland, and one by one the portions colonized by France and Holland, became possessed by England, through fortuitous circumstances, naval predominance and commercial arrangements.

The conception received the approval of the great Napoleon, who, reviving in the old world the Holy Roman Empire of Charlemagne, was brought to extend the same Holy Roman Empire of Charlemagne's successor, Charles Quint, within the limits it had of yore. He had obtained the abdication of Charles IV, King of Spain, whom a revolution had chased from the Kingdom and whom he replaced by his brother, Joseph Bonaparte. And he proposed to make use of the claims which Charles IV, King of Spain, had over America through descent from the Emperor Charles Quint, by confirming him by the treaty of Fontainebleau, Oct. 18, 1807, as Emperor of the two Americas. Charles IV by descent male represented the Bourbon Kings who had founded Canada and Louisiana and by descent in female line the house of Stuart that had founded the other colonies of North America.

One of the most noted intriguants who entered on this scheme at this time was Col. Aaron Burr. That Burr was anything more than a well-educated and brilliant time-server, disgusted with the Republic, his own efforts had something to do in bringing into being, cannot be doubted. But he had credit among a great many of the revolutionary officers who were equally disgusted with the republic and as ready for an intrigue—a credit that the royalist party proper—the remnant of the colonial Tory aristocracy in this movement had also associated with the plan, or, as it may be called, the "Order of the Holy Roman Empire in America, and with the Blennerhassetts, whose beautiful estate on the Ohio was the headquarters of those interested.

Among those interested, according to Parton's "Life of Burr" were: "Governor Alston, of North Carolina; Gen. John Adair, of Kentucky; Mr. Edwards, grandson of Jonathan Edwards (New England's great divine) of Connecticut, the Swartwouts and the Hon. Marinus Willet, of New York; Dr Eric Bollman, Gen. Dayton, of Ohio; Col. Dupuister, Gen. Andrew Jackson, Commodore Truxton, Gen. Eaton and 4000 others." (P. 411). Col. Charles Williamson, a Scottish gentleman, was their accredited agent in

England (p 412). Matthew Ogden, a former noted U. E. Loyalist Associate of New Jersey and his son are mentioned also. So are Edmund Randolph and John Wickham, of Virginia, and Luther Martin, of Maryland, all former Loyalists. "The chief people of Kentucky were pledged to this imperialist order and their names were furnished by the traitor Wilkinson." (p.383)

If the plan of establishing the empire in Louisiana and then drawing the other southern states into it from their unwilling union with the democracy, did not succeed, the members had contributed \$40,000 towards establishing and fortifying their "barony" on the Wichita, which they had purchased, when with the elite of the colonial royalists and legitimist families the order might continue its institutions with a society "unsurpassed for culture and armed to defend itself." (p. 410-11). But the Republican Gen. Wilkinson, a traitor who pretended to the scheme, betrayed those who had befriended him. The government of the United States was informed by Wilkinson of every step taken. Burr, who acted with too great haste, was entrapped as he was about to lead a number of his followers in armed boats down the Mississippi.

It is unnecessary to go over the scene of his arrest and trial for high treason to the government of the United States. Only it seems singular that a government not strictly legitimate itself, could have found any weapon to combat the right that legitimacy had for its assertion. But much more understandingly to the party of ex-revolutionary counter-revolutions of which Burr was chief, did certain leaders in Canada enter the plan, stimulated into activity by the usurpation of the royal prerogative in Canada by the British parliament and its disregard of the constitution subscribed to in the treaty of 1763. That parliament had destroyed the British throne, while the United States were yet colonies of Britain, by the overthrow of the principle of monarchical succession at the basis of the British constitution, and at the invitation of a low-born race of political scamps and renegades that the eloquence of Macaulay has justly described in the person of the infamous Malborough—a miser, a traitor, a public thief and a glutton—a man whose very laurels for military talent were stolen from the councils of Prince Eugene by the aid of whose genius he achieved his successes. Surrounded by this class, that hated the ancient aristocracy of honor that had, to a man, stood by the legi-

imate House of Stuart and whose influence went down in Britain with the standard of the White Rose on the "Field of Colliodon" in 1745, the British Parliament had determinedly pursued the members of the old aristocracy even to the colonies in a plan to overthrow and extinguish the Class of Honor in the empire, whose existence may be a reproach to itself and the unethical plutocracy which it encouraged at court. The Stuarts and Bourbons had built up in the American colonies an ambition among the better people for the distinguishments of rank—had given the former the titles of baronets in Nova Scotia, Lords of the Manours in Maryland and New York, and Caciques and Landgraves in Carolina, and the latter had instituted the Seigniorial Order in Canada and Louisiana. The British Parliament when it usurped royal authority reversed this process of aristocratic representation; in fact, it insulted the colonial aristocracy and encouraged the people of its court in every scheme of plunder which they could devise to gain money from the colonies, whose revenue might make London the metropolis like imperial Rome—truly the seat of empire, while the provinces would be only farms for the raising of sustenance for the plutocracy at the royal court. A King who is NOT chief of the aristocracy has no right to authority. The colonial policy of the British Parliament in this particular brought on a struggle, ending in the American Revolution, which deprived them of their usurped rulership over the British colonies of North America.

French Canada, which remained to the Crown by the devotion and valor of the Seigneurs, was planning now—on account of the usurpation of Parliament to follow suit.

In seeking to give basis to this plan of restoring the western empire so far as the Union of Canada and Louisiana was concerned, Napoleon, when he signed the treaty whereby his brother Joseph received the throne of Spain, gave an "Emperor to America." Napoleon's Ambassador to the United States, Gen. Turreau, was deputed to be the intermediary for any proposition to this end in America.

According to the published letters of Turreau, on the 15th Sept. 1806, he received a communication from J. Perreault and Finlay de Grosprin, who had been promised the support of all the Indian tribes in Canada who had declared in "a council to assist the Canadians" to drive

the English from that country and place it at the disposal of the Emperor.

Gen. Turreau responded by a communication of encouragement and expressed a wish to see Perreault and Finlay de Grosprin at Baltimore in order to transmit to the Emperor their information and to second their efforts.

Oct. 4th, 1806, another letter was received from Quebec from Capt. Samuel Turner, of the Canadian militia, in which it was declared that "The hour is come to assure the glory of France by the conquest of Canada and Nova Scotia." It went on to say: "We have concerted all our plans" (for the capture of Quebec.) "We have enough to form a garrison until aid arrives from France."

Gen. Turreau responded by note through the means of their messenger, a Mr. Johnson, that before acting it would be necessary for the French to know positively the extent and power of the movement to judge whether the proper time was at hand; but that, when the time came, the movement would be sustained and aided to its accomplishment.

Oct. 27th, Perreault and Finlay de Grosprin responded by a letter in which they described the hatred of the French leaders for the policy of the English Parliament. "They treat us as a conquered people, parvenus tyrannise over us. These tyrants avoid the punishment of their thievings and crimes only by profession of loyalty that any vulgar interest might purchase. They are few in number. The greater part of the population languish and suffer. . . . If ever a cause merited the support of justice, it is that of the Canadians." This last letter was dated New York, and when Gen. Turreau sent a messenger to find them, they had returned to Canada.

In 1809 the Chevalier Le Blonde de St. Hilaire, cousin of the celebrated general of the same name, was sent into Canada to see into the organization there against the usurping of the British Parliament.

March 24, 1810, he wrote Gen. Turreau from Utica: "I have arrived yesterday from Canada. I have faith that you will be satisfied with my work," etc.

In May, however, the English awoke to the fact that a volcano was likely to explode at their feet. Sir James Craig, Governor of Canada, discovered enough of the plan to put a price on the head of Francis Cazeau (who escaped) and to imprison Lefrancois, Blanchet and the Seigneurs Taschereau and Bedard.

In December, 1810, Le Blonde de St. Hilaire rendered his account to Gen. Tur-

reau. Said he: "An expedition against Canada would be equivalent to a taking possession. All hearts and all arms, even of the Indians, would be devoted to the Emperor Napoleon. The English are so well convinced of this disposition that if the French flag appeared at the mouth of the St. Lawrence, their troops would be obliged to retire to Quebec and Halifax, and we would be masters of Lower Canada without burning a cartridge." In quitting the embassy, Le Blonde de St. Hilaire promised to return to Canada and put himself under orders for this accomplishment, but he died suddenly the next month.

Gen. Torreau on his return to France wrote: "If the French government wishes a point d'appui in the New World, I think it could not obtain it without continental possessions. . . . The possession of Canada would be assured because it would rest in the willingness of the people. . . . Whoever knows North America will agree that a landing of French troops would produce an electric effect over the Canadians, and over the Indian tribes prolonged throughout the West. I have seen and I have heard. . . . Above

all of the regard for His Majesty. . . . Such an event would give new life to the Spanish colonies, even. I wish to say that the two Mexicos where the English have acquired some commercial influence, would respond against them. . . . The only obstacle to fear is the secret opposition of the U. S. Government. The Yankees hate the Canadians who return it." . . . (*Recherches Historiques de Quebec*, 1897). But Napoleon undertook the disastrous Russian campaign which destroyed his power, and England more and more terrified at the possibilities of his success, redoubled her efforts to bring allies and coalitions against him.

Thus it may be seen the bad effects in Canada and throughout the former colonies of Britain in America, that have resulted from the illegitimate authority usurped by parliament over provinces that have had parliaments of their own, and over which the British Parliament has no legitimate authority, not so much as to suggest to the Crown the appointment of a Governor-General, as that is interfering with the executive power in the colonies, which belongs exclusively to the Crown.



PART III.

CHAPTER I.

CANADA AS A SOVEREIGN PROVINCE, OR PRINCIPALITY.

KING, NOBLESSE AND CLERGY.

By edict of the King, Louis XIV. of France and Navarre, April, 1663, the feudal powers of Canada were united in a sovereign council and the country was elevated to the rank of a Royal Province, in equality with Normandy, Brittany, Guienne, and Provence. The Sovereign Council of Canada by the same edict was endowed with prerogatives equal to those of the parliaments of the other provinces in the Kingdom of France which were as follows:

I. To sit in judgment on all causes belonging to the King's Court. II. To make suggestions and petitions to the Royal Council in regard to the requirement of Paris, which was the senior ordinances in regard to the entire kingdom including Canada, as were ordered by the King. These prerogatives were those in the fullest extent of any other parliament of the kingdom—the parliaments of France, not having any more, only that parliament acted as Supreme Court in decisions of disputes arising between such jurisdictions, and outside the limits of the other provincial parliaments.

The composition of the Sovereign Council of Canada, as this parliament was called, consisted of: I. A Governor who was commissioned by the King in person as his representative and was endowed in his commission with royal prerogatives, civil and military in the province, like as were the governors in each of the other provinces of France. He had, in addition to this, power to make peace, and war, and treaties of commerce. This additional power was granted the chief executive of Canada—the governor of no other province in France had such authority. It was because of the distance

which separated Canada from the rest of the Kingdom, and the necessity of acting in critical cases without delaying for authority in each case. II. Affairs of finance and police were regulated by an officer called an Intendant, commissioned for such purpose by the King in person. He was commanded by the King also to sit as President of the Sovereign Council, and in that capacity he had charge of the registers of its proceedings in the administration of justice.

III. Representing the ecclesiastical interests, the parishes, missions and missionaries, was the Archbishop, having a vote in the Council like all the others. IV. This Council chose an additional member as chief clerk and appointed an attorney-general. V. There were added by them, as further constituents of this Parliamentary Council, at first five representatives of the seigneuries, which were increased to twelve as the number of seigneuries became greater further on in the history of Canada. The seigneurs and nobility of the country were included by law in the representation, not only because the Coutume de Paris, which had been made the code in Canada, required it, but because it was part of the feudal system of every province of France, and it was also declared in the first Canadian commission to the Marquis de La Roche on the government of Canada that the seigneurs should act as counsellors and military officers of the country. (Larocq's Hist. du Droit Canadien, Tome I, p. 159. "Tenir en tuition et defense le dit pays.")

The Intendant, as President of the Council, collected the votes and announced the decision arrived at by the Council as a body, in supreme judgments, civil and criminal.

For administration, the province was divided into three districts with civil and criminal courts at the centre of each, which were at Montreal, Three Rivers and Quebec. Over each of these districts was a military governor, a civil and criminal judge and assistant, and an attorney-general (procureur du Roi.)

The nobility of the country was organized into an Order of Merit, and fiefs, or seigneuries, were bestowed on them. As an Order of Merit, none were allowed by the king to be enrolled in it and hold fiefs but gentlemen and those who had proved themselves meritorious in service of king and country. (Lafreau, Tome I p. 159.)

By act of the king in May, 1664, foreign nobility might enter with recognition of their rank, provided they become "regnicoles," or subjects of the King of France. The same act decided that the Armorial Bearings of Canada should be a blue shield, sown with golden fleur-de-lis, having as supporters two Indians in war-dress, the shield surmounted by a Royal crown "trefle."

These all united were called "The Nobility of Canada," a gallant company of captains, explorers, administrators and historians, whose courtly manners, high sense of honor, refinements of education, valor and genius have left a record in this epoch of Canadian history that cannot be eclipsed by any other.

All the land on both sides of the St. Lawrence for three hundred miles had been divided into seigneuries or lordships, as rewards of merit to the members of this nobility. The ceremony of doing homage for the investiture of any fief took place once a year, at the assemblage of the Sovereign Council at Quebec, where the seigneurs sat according to rank in court-dress and with sword girded on.

The following is a verbatim copy of a seigniorial grant:

To all to whom these presents shall come, Greeting."

"His Majesty having always sought with care, and that zeal which is suitable to his title of Eldest Son of the Church, the means of making known in the most unknown countries by the propagation of the faith and the diffusion of the gospel, the glory of God and the Christian name, which was the principal object of establishing the French colony in Canada and accessorially making known unto the parts of the earth remotest from the intercourse of civilized men, the greatness of his name and the strength of his arms, and having judged that there are no surer means to that effect than to compose this colony of people qualified properly to fill it up by their personal character, to extend it by their labor and application to agriculture, and to maintain it by a vigorous defence against the insults and attacks to which it may hereafter be exposed, has sent to this country a number of his faithful sub-

jects, officers in the Regiment Carignan and others, most of them agreeably to the great and pious designs of His Majesty, being willing to connect themselves with the country by forming therein settlements and lordships of an extent proportionate to their means. And the Sieur de la Valterie, lieutenant in Our Armies, having petitioned us to make him a grant of land, We, in consideration of the good, useful and praiseworthy services which he has rendered His Majesty, not only in Old France but in the New, since he came hither by order of His Majesty, and in view of those which he declares himself willing to render hereafter, and under and in virtue of power entrusted to us by His Majesty, have given, granted and conceded, and by these presents do give, grant and concede unto the said Sieur de La Valterie the extent of one league and a half by a similar depth to be taken on the River St. Lawrence, bounded on the one side by the islands belonging to the Montreal Seminary, and the other by unconceded land in front of said river, and in rear by unconceded lands together with the two small islands in front of said tract of land and the river St. John included. To have and to hold said tract of land in fief and lordship, himself, his heirs and assigns under the condition of paying fealty and homage, which the Sieur de La Valterie, his heirs and assigns shall be bound to do at the Castle of St. Louis de Quebec, of which he shall hold subject to the customary duties and dues and agreeably to the custom of the prevote and viscounty of Paris. . . . and that the appeals from decisions of the judge who may be established at this place shall be before the Royal Court at Montreal. Subject also to the condition that he shall continue to keep house and home on the said grant and shall stipulate in the title deeds of his tenants that they shall be held to keep house and home within one year from the date of the grant of their holdings." etc., etc.

At Quebec, Oct. 29, 1672.

(Signed) TALON (Intendant.)

"By command of His Lordship,"
VARNIER.

Sometimes, as in the concession of Jacques Pothier, Sieur de St. Denis, of the same year, a clause is added like, "The same to have and to hold in fief and lordship with all the rights of high, ordinary and lower jurisdiction (haute, moyenne et basse justice)." And in all grants a clause is inserted, reserving the cutting of ship timber and the mineral

wealth to be discovered thereon to further orderings of the King.

The duties of the seigneurs were to act as judges among their tenants in all cases except for murder and treason, to see that they had proper military instruction under their command, as musketeers or cavalry, to keep open and repaired the roads and to build bridges and to erect a mill in which the tenants might grind their corn. All their lands and rights passed in hereditary succession, but in case of there being no direct heir, a collateral heir paid a year's rent into the royal treasury for privileges of succession. The seigneur might sell his seigneurie with the consent of the next heir and the King, in which case the purchaser was to pay one-fifth of the purchase money into the royal treasury.

The seigneurs divided their lands into lots of three acres by eighty fronting on the St. Lawrence, and the tenants on these paid rent in money, provisions and fuel, one-fourteenth of the produce and a tithe of the fish which they caught. They were bound to serve, also, in the seigneur's company of cavalry or musketeers. They were to be protected by the seigneur, whose principal obligation was to promote their welfare and prosperity.

In many of the seigneuries there were parishes and, apart from the cares of the church the cure looked after the rudimentary education of the children of the parish.

In the manour-house of each seigneurie were libraries, musical instruments, instruments of surveying, engineering and chemistry and for making and repairing arms. Among the seigneurial families were the best educated and most talented of all the colonists who ever came to America, and they served, in their manourial domains as instructors to the youth of their families, so that a society of greater culture and refinement was perpetuated and propagated than in those colonies where no hereditary institutions of merit were established. To this Order of Merit which the King established in the seigneurial distinctions were added many of the personal favors of the Royal and Military Order of St. Louis. Sir Walter Scott describes the quality of mind that recognitions such as these cause to dominate in a community:

(From the "Doom of Devergoil," by Sir Walter Scott.)

— I know that minds

Of nobler stamp receive no deater motive
Than what is linked with honor, ribbons
tassels

Which are but shreds of silk and spangled
tinsel—

The right of place, which in itself is momentary,—

A word, which is but air—may in themselves

And to the nobler file, be steeped so
richly

In that elixir, Honor, that the lack

Of things so very trivial in themselves

Shall be misfortune. One shall seek for
them

O'er the wild waves; one in the deadly
breach

And battles' headlong front; one in the
paths

Of midnight study. And in gaining these
Emblems of Honor, each will hold him-
self

Repaid for all his labors, deeds and dan-
gers

What then would he think (knowing them
his own)

Who sees what warriors and what sages
strive for.

The formal and established marks of
Honor,

Usurp'd from him by upstart insolence?"

On the other hand, Sir John Bernard Burke in the Second Series of his "Vicissitudes of Families," p. 76, declares:

"The treasures accumulated by avarice,
seldom . . . do they form the enduring foundations of a family establishment. Warriors, statesmen, merchants, lawyers—all have originated great and flourishing houses, but misers are rarely the patriarchs of families of enduring prosperity. . . . A very learned friend of mine, deeply versed in the vicissitudes of genealogy, assures me that he never knew four generations of a miser's family to endure in regular, unbroken succession."

With such a system in Canada, it is natural to conclude that there would be established in the Province of Quebec the most historic houses of the American Continent and the homes of family greatness. A few among these are well worthy of mention, for the grandeur of a nation is bred and nurtured in the homes of its families. It has been a saying from remotest antiquity that agricultural nations are the noblest because their homes are more durable, consequently the better qualities of family are

more carefully preserved. Unless clothed in the romantic and historic habiliments of honor and glory, the palace or the millionaire smelt too much of chicane and trade to be worthy of more than a mere mention of its cost and design. Wealth and merely wealthy men never yet created a state, but the pursuit of wealth and the peculiarly avaricious and corrupt qualities of the wealthy when predominating, have ruined many a nation, and later on will be seen to have been the direct cause for the defeat of Montcalm and the fall of Canada in 1760, by the plundering of the Intendant Bigot and his gang of thieves put in office by the influence of Madame Pompon de Compadour, the court strumpet of France, who sold her charms to courtier, parliament and king for value received. There were about 150 seigneuries established in Canada, Acadia and Louisiana, 27 of which were elevated into baronies, viscounties, counties and marquises with one as a duchy. The manor-house was usually built of stone, containing many rooms, offices and a hall of council. Some of them were surrounded by a stone wall, which carried the court yards and its out-buildings. In the early days this wall was armed with cannon. In the description of the de Etomsac castle at Nipisiguit in the Royal Society's Transactions for 1801 a mention is made of the six cannon that were in battery on the ramparts.

A complete description is had of the Chateau de Longueuil, the home of the Lemoyne, and a picture was taken of the ruins in 1793. This castle was built in 1612 and burned in 1793. It was built of stone and was 180 feet broad by 270 long, with six towers. It stood near where now stands the parish church of Longueuil. It was the birthplace not only of the first baron de Longueuil, who was administrator of the country, but of his brother Gabriel Lemoyne, Chevalier d'Iberville, the founder and first governor of Louisiana; of his brother Pierre, Chevalier de Beville, the founder of New Orleans; of another brother, the Chevalier de Chateauguay, who commanded the troops of Louisiana in the first Spanish reign, who was also a governor of Louisiana; of the Marquis de Sevigny, who was also a governor of Louisiana as well as a naval commander. The last baron of the Lemoyne family, who was governor of Three Rivers in 1745, fell fighting for the liberties of Canada against the English, and his daughter and heiress married one of the exiled Scottish followers of Prince Charlie named

Captain Alexander Grant, to whose descendants the title of Baron de Longueuil has been transmitted.

Of the ancient Canadian castles that are yet standing might be mentioned St. Charles, Roumont, St. Eustache, L'Anse-au-Loup, Montbello, Ste. Marie de la Beauce, Capreol, Rouville,—all seats of eminent and distinguished families. The castle of Ramezay, in Montreal, while it has passed out of family possession and so has lost the affection of interest that clings about family domain, is the most famous of all from the noteworthy events which have occurred within its walls. It was built in 1705 by Claude de Ramezay, descended from a noble Scottish ancestor who many years before had settled in France. Claude was at the time of the building of the castle governor of the district of Montreal and Knight of the Royal and Military Order of St. Louis. His wife was of the family of Denys de La Ronde. One of his daughters, born in this castle, married her cousin, the Chevalier Louis Denys de La Ronde, who was governor of Port Royal and commander of all the French forces then in Acadia. And from this family also descended de Ramezay, the last French Governor of Quebec, at the time of the capitulation in 1760.

The castle, itself, came into possession of the government and continued to be the residence of all the French governors of the district and of the British governors down to the year 1840, during the administration of the Earl of Eglinton, when Montreal ceased to be the capital of Canada. Since that time it has been used as a court, but of late it has passed to the Antiquarian Society, who have placed there their valuable historical paintings, the arms of many of the Canadian nobility, and a great collection of curious treasures for public inspection.

Within its walls, the leaders of the province had assembled to meet the delegates from the Continental Congress—Carroll and Dr. Franklin—and there the Anglo-American Republicans, when they were in possession in 1775, held their councils. No great event happening in Canada before 1840, but what has left some memento of its inception, or progress, or termination in the history of the old Chateau de Ramezay, it may be said without fear of contradiction that of all family houses now standing in North America it is the most illustrious and the most historic.

THE CLERGY

Next to the power of the king and the power of the nobility in Canada came the power of the clergy, but their pretensions were so exorbitant as to dispute the first place with the royal authority itself.

It has been seen that the Archbishop had a seat in the Sovereign Council with a vote like any of the other members. Even before Canada had been erected into a royal province, the Pope in 1661 created it a bishopric and appointed M. de Laval thereto, who, as soon as he arrived, proceeded to quarrel with the governor on the subject of precedence in the council and of paying for the incense used in the church. In the early colonial period, and outside of the seigneurial jurisdictions, the missionaries had been vested with certain civil authority to deal with the Indians, and afterwards, as soon as cures were established, the priests believed themselves to be clothed with similar prerogatives over all the inhabitants. Now much more the Archbishop—he considered himself in the council as the arbitrator in civil and military concerns, as well as the absolute ruler in ecclesiastical matters. While Canada was still under the company of New France, this claim was so intolerable that the King interfered and published an edict: "That all civil, criminal and police causes shall be brought before the judge appointed by this company, and in appeal, before the Governor, unless so important as to be required to be brought before the Parliament of Paris."

The Sovereign Council of Canada, with authority from the King, interdicted the following edicts which were intended to curb the pretensions of the clergy to their proper limits:

"Institute 12, July, 1707. Arrêt du Conseil d'Etat, against cures and missionaries on the subject of tithes."

"31 May, 1722. Arrêt du Conseil d'Etat on the subject of the property of those who will be received at the General Hospital at Quebec."

"19 Feb., 1732. We are informed that there are in our country of New France ecclesiastics and religious people who, by indiscreet zeal, contribute to the escape of criminals from justice and who find no difficulty in procuring for these criminals a refuge in religious houses. It is necessary to prevent abuses so contrary to Our authority and so dangerous to the public safety of the colony. . . . We prohibit all cures, ecclesiastics and secular communities of either sex to give aid

and refuge to dangerous vagabonds and people convicted of crime under penalty of deprivation of their benefits, of the seizure of their temporal possessions and deprivation of their privileges. . . . In cases of disobedience to the above commands, we instruct Our judges in ordinary to take cognizance of them in all their fullness, and (forbidding all others to interfere) all other edicts, declarations or anything else to the contrary."

"April, 1747. Letters patent fix the number of religious at the General Hospital at Quebec to fifty, comprising the superior and 10 novices."

"30 May, 1741. Edict of the Council of State unite the Episcopal house to the domain."

"27 Nov., 1743. Declaration of the King concerning the religious orders and people of Mortmain established in the French colonies."

"21 June, 1677. Edict of the Superior Council of Quebec condemning Jean Quenneville to a fine of 100 sols for having caused to be signed in church a warrant against one Roland and prohibiting the clergy from reading in churches, or at the doors of the same any other but ecclesiastical writings or what has been ordered by the judge."

"23 Dec., 1680. Judgment of the Superior Council of Quebec orders that the tithes of places joined to form a parish shall be conceded to the highest bidder by the seigneur of the soil and inhabitants of the same."

"18 Nov., 1703. Judgment of the Superior Council in the case of all the products of the land that the cures of Beauport and of Ange Gardien would exact, forbids them and all other cures to exact more than what has been decided on by the decision of 6 Sept., 1687."

"8 July, 1709. Rule of the Superior Council on the subject of honors to be paid to the seigneurs in the church."

"21 April, 1738. Appeal from abuse accorded by the Superior Council to Catherine Peuvret from the decision rendered by the Vicar-General Deminac concerning the place of a bench in church."

"12 June, 1741. Decision nullifying marriages of minors made without consent of parents and commanding cures to observe canonical ordinances concerning the publication of bans."

The mere recitation of these ordinances shows the existence of the abuses which they were called into being to arrest and abate. Arbitrary power was used so frequently by the clergy, that both seigneur and Sovereign Council were peti-

tioned again and again by the inhabitants for protection. One of these extravagant acts was committed by the Archbishop Laval himself, who sent his henchmen to seize a young girl living with a family in Quebec, and against her will and the wishes of her guardians and protectors, put her in the convent of the Ursulines under the plea that he had a right to do so, since it was for her education. The family could obtain no redress except by pleading before the Royal Governor, who invoked the King's authority to stay this outrage.

The Huguenots had formed the first settlement at Port Royal in 1604 and the clergy ever since had been very watchful to see that no attempt should be made against their own power in the colony thereafter. This was one thing which caused them to be so solicitous in the

matter of religious training, so that "The creed should dominate the curriculum over every other study." And they extended the commission to instruct the children of the inhabitants to mean that nothing but this instruction should exist in the matter of training in this colony; a pretention that has no legitimate authority for existence, and one which they, themselves, have combatted in other lands when their own right to teach has been assailed. But the legal status is the same in every civilized land, whether its constitution is interpreted by the feudal, civil or common law and that is, that the education of the child is the prerogative of the parent, not of the State, and as Judge Robinson of the Supreme Court of New York, once said that it is "not lawful to tax one man for the education of another man's children."

CHAPTER II

POLITICAL ENDEAVOR OF THE CHURCH IN GENERAL.

Turning from the attempts of the clerical party to overstep the limits of their prerogative prescribed by law in Canada to discover the motive which has caused them to make such endeavors, and it will be seen to have been political rather than religious.

But, however much they may be condemned for such irregularities of behavior, they were far superior to the Protestant clergy of early New England, who, at the very same time, for the very same political ends, were base enough to accuse the weak and defenseless of witchcraft and to have them burned at the stake as a means of heightening the terror of their own name in the public mind, and by so much add to their influence in the affairs of the colony. The proof of this is in the writings of the New England clergy of that time, and the subject of witchcraft is united in their books with the affairs of the Commonwealth as a corollary is united with the proposition which introduces it.

The contest in Christendom between the two parties known as State and Church is not a religious struggle. Religious elements indeed enter in, but it is a pro-

test on the one side against the entrance of the Church into affairs of State and what pertains to citizenship, and it is an assertion on the other, that if the State be not secondary to the Church and allegiance to the State, to allegiance to the Church, that the whole fabric of human society is doomed.

But this struggle did not commence with the "Reformation," when, in the 16th century, a large body of communicants renounced allegiance to the Pope, the head of the Church. The early struggle rested on the claim of temporal sovereignty made by the Church. And as La Grande Encyclopedie says, this sovereignty rests on no definite basis. The bishops were inferior to the early emperors who appointed them—even the Bishop of Rome. The emperors entered the councils of the Church and decided what ecclesiastical ordinance should pass. The Bishop of Rome had a pretended temporal authority from the Emperor Constantine, which was invented in the VIII century by the Spanish priest Isidore Mercator. This was disputed in the beginning of the XII century by the Benedictine Order of Sabina in their disputes with the Pope and was demonstrated to be a forgery in the XV century by Laurent Valla, since which time no writer—not even an ecclesiastical writer—has sought to maintain it. Then the Popes pinned their sovereignty on another pro-

tended donation from Pepin and Charlemagne, which was not established by any authentic title and appears to have been a mere verbal bestowal of a local jurisdiction, if any—but not a sovereignty, for Charlemagne's son was made King of Italy. Otho, the Great, of Germany, Italy and Rome, emperor and King in 962, brought the Pope John XII to a recognition that he, the Pope, was not a sovereign, and that his authority lay only within the walls of churches. But by persistency subsequent Popes obtained the cession of great tracts of domain in Italy which had been lordships and over which they claimed dominal prerogative—forgetting that those dominal prerogatives had been conferred on the original holders by Kings and Emperors and that these prerogatives were subordinate—in subinfeudation—to the royal or imperial sources from which they were derived. The subsequent powers of the Popes grew great in the succeeding wars, which they themselves did much to ferment in Italy for the gain of this "sovereignty." These wars between the "Imperialists and Papists," between France and Austria and Spain were continued until 1870, when all Italy was united in one kingdom, whose only sovereign—the King of Italy—rules in the city of Rome.

Before this the civil authority was in conflict with papal pretensions. But this conflict, or protest, was not represented by bodies of men, as after the "Reformation," but by the Emperor and those Kings and Princes of Christendom who dared assert a liberty for thought and action in the name of the Crown and for the good of the State.

The long wars between the Guelphs and Ghibbellines in Italy followed after the reign of the Emperor Otho and are known as the Wars of the Imperialists and Papists. These wars divided Italy into the legitimate, or imperialist party, and the illegitimate, or Papal party. These wars severed all ideas of national unity from their common centre and retarded the realization of a fatherland in Italy until the XIX century, when it was aroused by Victor Emmanuel, Cavour and Garibaldi.

The various political intrigues through these early ages had been pursued with the understanding that "The end justifies the means." In this light, forgery, assassination, poisoning and murder have been deemed fit weapons to strengthen their military weakness. While the entire Christian world was yet Roman Catholic, the treatment of the descendants of the Emperor Louis, reveals

these proceedings. The Emperors, under charge of heresy, were excommunicated and their subjects smitten by terror of the same, were in fear of giving them obedience, and so Frederic II and Conrad and the whole of the imperial family of Hohenstauffen were extinguished by murder and proscription—a family that had been the bulwark of human liberty, beside whose hearthstone science was expanding in peace. By the church instructing its ministers to teach their congregations to be false to their sovereigns in the name of the church, to betray their fellow citizens when the church commands, there was being erected throughout the Christian world, even when that world was under one faith, two classes: I. The princes and their royal retainers and, II, the clergy and their ignorant followers. The kings and princes and high nobility of the Gothic race, while yet papist, afford the most striking evidence of this condition. When Pope Gregory VII called on William the Conqueror to do fealty for his realm, that monarch replied: "Fealty I have never willed to do, nor will I do it now. I have never promised it, nor do I find that my predecessors did it to yours." Under that goodly Franco-Norman race in England, the crafty politics of the church were undone. It must be seen that, by this sketch, that it was not primarily a religious quarrel that divided the Christian world. It was the political and social interference of the clergy that was resisted.

In the abstract the popes have favored monarchical government when such government has been the strongest, but with the rise of democracy in the New World and the dominance of the lower democratic factions in France their favor has turned that way. The career of the late Pontiff is a fine illustration: So soon as he was seated in the pontifical chair, Leo XIII began to accommodate his views and policy to the exigencies of the time and place. In his encyclical of Dec. 28, 1878, he called all the forces of the church to aid the imperial governments of Russia and Germany in their efforts against nihilism and socialism. His eagerness in this respect bore the expected fruit, for after the attempts of 1878 on the life of the Emperor of Germany by the Socialists, the priests who were about to be banished from Germany were restored to their functions and in 1882 the Emperor sent Von Schloetzer to Rome as envoy, and Germany chose the Pope as arbiter between herself and Spain in 1885 over the dispute concerning the Caroline

Islands. Presuming on this, the Pope made an ineffectual attempt in 1886 to interfere in the internal political arrangements of Germany. And although in 1888 the Emperor William II visited the Vatican, the Pope found that not all the caresses he could lavish on the imperial visitor would cause him to depart from a "deplorable recognition of accomplished facts."

Towards the government of the Czar, the political suppleness of the Pope exposed him to the discontent of his most faithful ally—the Austrian government. But Austria itself would not accede to his views being bound by the obligations of the Triple Alliance to respect the prerogatives of the King of Italy—who alone is sovereign not only throughout Italy but in the city of Rome. The most that could be gained on this by the Pope was the declaration in 1892 of the Austrian minister Kalnosky in regard to the disputed papal sovereignty in Italy, that it "is always an open question." This response provoked a lively feeling of indignation (as might be expected) among Italian patriots and royalists.

Nothing could be hoped from the British monarchy, or from those other small Protestant monarchies of Scandinavia in regard to restoring the Pope's sovereignty in Italy, or recognizing it even as a *de jure* quality; or recognizing even as a *de jure* quality; for, in fact, it never was *de jure*; not even Charlemagne would recognize that as his conference with the court of Constantinople over the head of Pope Leo III shows. Papal sovereignty in Italy had been built up on the overthrow of the Romano-Germanic empire of the Hohenstauffens; on national weakness and corruption resulting from the squabbles of the Italian Republics of the Middle Ages, re-enforced by the authority of religious excommunication to those who disputed it after they had borne the test of the dreaded interrogations of the inquisition. When finally from discord, corruption and tyranny, the Sardinian King Victor Emmanuel, aided by Cavour in state craft and Garibaldi in arms, had rescued the fragments of the dismembered Italian States, and in spite of Austria on the one hand, Spain on the other, and the Pope in the Centre, had welded Italian nationality into monarchy and unity, liberty and progress—the result was too strong and too edifying to be overthrown, as any other Italian subject, no more political power in Italy, faded away forever. It was to secure a recognition of

this and its restoration that had prompted all the complaisance of Leo XIII, among those courts of Europe deemed most likely to give a favoring response. So far as his direct communication with the Italian monarchy goes—a monarchy that had declared to his predecessor Pius IX that there never could be two sovereigns in Italy, and that politically, the Pope had just the same rights and privileges as any other Vatican subject, no more nor less—he always spoke of it as "painful for the church, intolerable for the papacy." He maintained that while the interests of the church are sacred, the temporal rights of the Holy See are imprescriptible, although disgracefully violated.

Strong in his desire, the desire of every Pope, to regain temporal power and recognition as a temporal sovereign at any cost, the treatment of the Catholic party in France by Leo XIII has been remarkable in two particulars and has proven his policy to be that of an "opportunist." These two particulars are (1) a direct departure from the political expectation and aspirations of the French Catholics who desire the restoration of the monarchy in France and from the policy of previous Popes, and in direct political contradiction of his professions in dealing with the strong monarchies of Europe. In fact, in order to conciliate the French Republic, so as to convert it to a less severe regard of the church, Leo XIII destroyed the monarchical programme in France. During the first twenty years of the republic, the monarchical party had had the adhesion of the prelates and the support of the clergy. Because of this strength, which united the country districts under the banners of the nobility for the restoration of the legitimate monarchy in France, the republicans took alarm and out of revenge their chief, the demagogue Gambetta, pronounced the war cry: "Down with clericalism, that is the enemy." Frightened by this, Leo XIII patted the French Republic on the back, deserted his friends in France, the Catholic party, and gave the signal in 1891 to Cardinal Laviegrerie to promise support of the church to the usurping republicans of France. A great cry of astonishment and indignation went up at the time from all the Catholic people of France, and brought protests from the most influential of the Pope's own colleagues against this political move. But the whole availed nothing, for in the following February the Pope published an encyclical recognizing the republic and commanding the French

clergy and all good Catholics to give it their allegiance in spite of its occasional "anti-Christian" proceedings. This brings to mind the saying of Dumas when the noblest of the royalists retired from the Catholic party in France. "The disgraced royalists were now opposing the descendants of Ravaillac, but for their love of Henry IV."

Even this concession, however, did not accomplish its purpose, for by the betrayal of the interests of the royalists in France the Catholic party has been so much weakened that the radical extremists have been enabled to overthrow the influence of the church altogether in that country.

CHAPTER III

THE FIRST WAR OF CANADA: KING WILLIAM'S WAR

(1689-1697.)

Long before 1689, when war was waged directly between the Anglo-Americans and the Canadians, hostilities were carried on indirectly by them through their Indian allies respectively. The Hurons, Abenakis, Micmacs for the French and the Iroquois nations for the Anglo-Americans. The cruelties of these savage allies were exercised not only on each other, but more terribly on their European foes. Both French and English have been blamed for inciting these barbarians against each other, but the manner of offering rewards by the two colonial governments will show where lies the greater ignominy. The French offered a reward for the scalps of their enemies, but a greater reward for those captured and alive. The English offered a reward for scalps, but no reward for prisoners taken alive. The Iroquois Indians, the Anglo-American allies, made the first incursion into the French territory of Canada, burning the isolated hamlets and destroying the families of the peaceful and unsuspecting settlers. They had been supplied with fire-arms by the Anglo-Americans and doctored by fire-water until their ferocity became extreme. When for 300 miles along the St. Lawrence there were not 300 people, the safety of the colony was threatened by invasion of 1200 Iroquois, armed and stimulated by the Anglo-Americans.

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This danger called out the heroism of the captain of the garrison at Montreal. Capt. Dollard, Sieur des Ormeaux, determined not to wait for them in his fort where his little garrison would be unable

to protect the scattered settlements thereabout. He called for volunteers and 16 men responded. Each one made his will and prepared his soul for death, and then they started, accompanied by 40 Hurons, their allies. When they reached the site of an old redoubt near the river and directly in the path of the coming Iroquois, Captain Dollard gave each man his position, stretching them out in such a manner that they could not be turned and were capable of obstructing all passage to the foe. The first band of Iroquois numbered 300. They came on with shouts and the discharge of fire-arms, but were rolled back by the volunteers of Dollard, although they were deserted at this time by the 40 Hurons who went over to the enemy. For several days, in this difficult position, these 16 heroes kept back the enemy and inflicted on them a considerable loss. Despairing of driving the French, the Indians sent messengers to hurry up the second band of Iroquois, which numbered 500.

When this second band arrived, the assault was renewed, the barricade was carried, but the French charged so furiously with sword and pike that the Indians were forced back. Yet many of the defenders had fallen and Dollard and his men, who for five days and nights had been fighting continuously, and getting only snatches of slumber from the hard and frozen ground, without fire, with but little food, knew that their last hour had come. Seizing a keg of powder and putting a lighted fuse in the bung-hole, Dollard hurled it so that it might fall among the warring savages, but it struck the branch of an overhanging tree and fell within his own lines, when the explosion killed some of his own party.

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Encouraged by this misfortune to the besieged, the Indians made one more as-

sault and by the death of the last of the 16 heroes, triumphed in the fight. But they were defeated in their purpose, nevertheless, for they had lost 250 men in this fight against 16, and the thought of what might occur did they advance to encounter the other soldiers of France in the colony made them withdraw within their own territories. Thus did this heroic band save the first colony in Canada from destruction by the sacrifice of their own lives, emulating the greatest exploits in the annals of old Europe.

At another time, during the early invasions of the Iroquois, when the colony was not strong enough to stand alone, a war party appeared suddenly in the seigneurie of Vercheres. With most of his armed retainers the seigneur was absent on an expedition, and there remained at home only some people to work the fields. The court yard gate was open; the manour house was occupied by but one soldier and the two sons of the seigneur, one ten and the other twelve years of age. The daughter, Madeleine, a beautiful girl of fourteen, was in the fields at this time, when some Indians sprang at her, out of the bush. She ran immediately for the house, pursued by an entire party of near 100. Just as she reached the gate, one of them seized her cloak, but she released it and left it in his hand, slamming and fastening the gate between them. With her cries she summoned her two young brothers and the old soldier. She put on herself the head-dress of a soldier and seized a musket. About the wall of the court-yard, at the embrasures made for the purpose, she stationed her little garrison where by dint of sharp firing, they repulsed the enemy for a time, who were, however, only maddened and more determined to capture the place. She had fired off the old canon on the wall, whose report was answered in the distance by a cannon from another chateau and she knew that soon help would arrive. The enemy were made aware of the coming of aid to the besieged and withdrew. This incident is only one of many in the annals of the heroic defense of early Canada. These repeated raids of the Indians in the pay of the Anglo-Americans roused the seigneurs to the defense of their colonists. In 1690 three expeditions of them started in the dead of winter, when the blast was withering with its cold breath the fact of nature, and out-door life was stiff with ice and frost and the snow was deep in all places except the thicker forest. D'Ailleboud de Menteth with 114 Canadians including the Seigneurs de St. Helene, Le Gardeur de Repentigny, de La

Bosse and Testaed de Montigny accompanied by 96 Indians started from Montreal in February to reduce Albany. After immense hardships they reached Fort Cordar, which in spite of the efforts of the garrison they captured and devastated all the country about, leading many of the families away as captives.

Francis Hertel de Rouville, with 30 Canadians and 55 Indians departed about the same time from the Rivers and on snowshoes penetrated the woods of Maine and captured the forts at Salmon Falls and Berwick, N. H. He encountered a stubborn and heroic resistance from an old Welsh captain, Roger Plaisted, the commandant, who was also a royal councillor of the province. With three of his sons he defended the place until they were all slain, earning the epithet which has been given him in history, "The Hero of Berwick." De Rouville, after destroying these settlements, killing 30 of the inhabitants, led 54 into captivity. On his way back he encountered 200 militia that had been summoned to waylay him, and defeated them, they running in dismay from the impetuous ferocity of his men. The Baron de Portneuf departed from Quebec this same winter at the head of the third expedition. His course lay also through the woods of Maine direct to the forts and settlement on Casco Bay which have grown into the city of Portland. He defeated all efforts of their numerous but incompetent and timid militia, chased them from the outposts, burned the settlement and departed like the others leading away many captives. These captives, mostly children, were placed in French families and espoused on maturity French men and women. From one of the children captured in a later raid on Deerfield, Mass., the Catholic Bishop being a daughter of a Puritan deacon Plessis placed his descent, his ancestor of the Deerfield church, while from the heroic Plaisted, one of whose daughters was borne away, is descended the family of Goudau, and from a granddaughter of his son Ichabod, afterward judge and royal counsellor, is descended the de Fronsac.

War was now waged directly between the nations and provinces of both Great Britain and France. The cause in America was the Indian atrocities and the raids with which both sides had followed them up. The cause in Europe was the friendship and family alliance which existed between the Scottish Stuarts, who had been deprived of their throne by the usurpations of the English parliament backed by the English people and who had taken refuge in France, while the English par-

liament without a single constitutional right had passed over the succession provided by law, and invested Prince William of Orange with the crown and sceptre of the three kingdoms and all their colonies. Neither the King of France nor the Irish or Scottish people—save a few who were antagonists in religion—would recognize William of Orange as King, who, to strengthen his position had bought up all the corruptible portion of the population, and proclaimed himself as the champion of religious liberty against the tyranny and inquisition of the Catholic party in Great Britain and Ireland. This party, he asserted, the Stuarts were pledged to support. The publication of this falsehood was the real weapon that defeated his enemies, for the Presbyterian party in Scotland controlled the south of that country, and the English cavaliers themselves withdrew on this pretext alone. War went on, however, between England and France.

The English colonies in America, especially those of New England, for their self-preservation, did all they could for the capture of the French in Canada. Apart from the action of the Congress of all their colonies which was held in Boston in 1689, they received great aid in men and ships from England. Sir William Phips, a vulgar intriguer of common origin and unscrupulous ways, had captured Port Royal in Acadia, when that fort contained but 17 men as garrison, he himself having eight ships loaded with troops. He had promised the accommodation of peace and security if these surrendered, but no sooner was the fort in his hands then he put the people to plunder and led away the soldiers to captivity contrary to terms.

In 1690 he appeared before Quebec with 35 ships and more troops than there were inhabitants in all that part of Canada and demanded of the high-spirited and haughty Buade de Frontenac, who was then governor, the instant surrender of the country. After his envoy was led into the presence of the governor at the Castle of St. Louis he delivered this ultimatum: "William Phips, general of the English army, to M. de Frontenac: The war declared between the Crown of France and England is not the only motive of the undertaking which I have had order to make against your colony. The ravages and cruelty caused by French and Indians without any pretext against the subjects of Their British Majesties have obliged their Majesties to render themselves masters of Canada to secure the safety of their own provinces. But

as I am desirous of sparing Christian blood and to relieve you of the horrors of war, I, William Phips, Knight, by these present, and in the name of their Most Excellent Majesties, William and Mary, King and Queen of England, France, Scotland and Ireland, Defenders of the Faith, demand of you to put in my possession your forts and chateaux in their present condition, with all munitions and provisions whatsoever. I demand also the return of all prisoners which you have, and that you deliver your goods and persons into my keeping. This done, you may hope that, as a good Christian, I will pardon the past as much as shall be proper for the service of Their Majesties and the security of their subjects. But, if you undertake to defend yourselves, know that I can compel obedience, well decided, that, with the aid of God, in whom I place full confidence, to avenge by arms the wrongs which you have committed and to subject you to the Crown of England I give you an hour in which to reply

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The reading of this insolent letter in the midst of the brilliant company of officers and nobles of New France who surrounded the governor, was accompanied and followed by stern and contemptuous silence. Frontenac took the ultimatum from the hands of the envoy and rent it in twain, casting its discolored form on the floor at his feet, then with erect front and a gleam of scorn in his eye, he replied to the trembling Anglo-American envoy:

"I will not cause you to await my response so long. First, I do not recognize King William, but I know that the Prince of Orange is an usurper who has violated the most sacred rights of blood and religion in dethroning the King, his father-in-law. I recognize as the legitimate Sovereign of England, James II. Sir William Phips need not be surprised at the hostilities of the French, for he must understand that the King, my master, having received the King of England under his protection, has ordered me to fight against the people who are in revolt against their legitimate sovereign. Is he simple enough to believe that had he offered me better conditions, and did my brave officers consent and counsel me to accept, that I would put faith in the honor of a man who has violated the capitulation which he has made to the governor of Acadia; who is lacking in the fealty which he owes to his prince and adheres to the party of a stranger who

has destroyed the constitution and privileges of the Kingdom of which he pretends to be the liberator and has overturned the English Church? This is what the Divine Justice, invoked by your general, will punish one day severely. It is by the mouth of my cannons that I will reply to your master. He will learn that this is not the proper manner which he has chosen to approach one such as I." (Guerin, *Nouvelle France*, p. 157.)

Then Sir William Phips landed a strong force of troops below the city, but these were defeated, thrown into confusion, and fled to their ships after a brief encounter with a few of the guard led by some of their seigneurs. At the same time his ships suffered severely when they bombarded the city from shot from the rampart guns. The town was sounded and other troops, that remained in reserve of the Anglo-Americans near the shore, thinking it the signal for a general advance of the garrison, and not caring to encounter them again, threw away their arms and accoutrements, ran to the shore and clamored to be taken aboard again.

Thus ended ineffectually the boasted subjugation of all Canada by the dauntless Yankee Knight, as all subsequent attempts of the rankers have ended. His fleet sailed away, and what with his losses before Quebec and in succeeding tempests before he returned to Boston, there were but four ships remaining to him.

Notwithstanding that the English were possessed of the most desirable portions of the continent, having the most agreeable climate and the most beautiful scenery—a land from Florida to Acadia and backward from the sea to the ranges of mountains—the Appalachian—that, extending from the Great Lakes, a little east of the Mississippi Valley, paralleling it nearly to the Mexican Gulf—a land whose productions are so varied that within the territory of the Chesapeake Bay alone are raised sixty-five varieties of edibles; within which section the eye is charmed by the sight of marvellously beautiful inlets extending outward into the mysterious waters of the Chesapeake, over whose murmuring tides come pleasant sounds that arouse the romance of the heart, and into these inlets the soul is inticed to enter, for the rich fields with bordering woods and soft, caressing breezes whisper "come,"—with this glorious land, which at this epoch there seemed no hope of their ever peopling

themselves, they were not content, but were reaching out, avaricious, grasping, towards the cold territories of the French at the north, even beneath the chilling shadow of the North Pole in the Hudson Bay district. There they had established some fishing stations and built some forts on land belonging to the Crown of France, and in Newfoundland as well—

It was to clear the English out of this territory that de Frontenac commissioned Iberville, who was the senior naval commander in Canada, to go there with an armed expedition. The task was one of frightful hardship from cold and distance, from dangers of ice-bergs which crush the stoutest ships in the storms of those wintry seas, from famine, if the party might be unsuccessful by failure to capture the English strongholds and delay too long in that inhospitable country. But, triumphing over these obstacles as well as over the foe whom he swept from those regions, he returned with the pleasing account of his success.

Again the English, looking to the extent of their possessions at the expense of the French, built up a fort and a large trading station on French territory to the northwest of New England and near the Great Lakes. This was intended also as a means of intercepting the French in their communications within their own country down the Mississippi. This fort, William-Henry, was taken and destroyed by the French in 1696, and the scheming Anglo-Americans were thoroughly humbled and driven in all along the line to the limits of their own territory.

In 1697 this war came to an end. It has been called the War of William and Mary, because it arose out of complications succeeding the usurpation of the English parliament over the royal prerogative in England, whereby the quarrels of William, Prince of Orange, on the continent of Europe, particularly against France, were taken up by England after the Prince of Orange was seated on the English throne. The treaty of peace was signed at Ryswick by the plenipotentiaries of both countries and tranquility of a strident sort extended to the American colonies of both nations.

But another war was slumbering on the horizon. This war is known in Europe as The War of the Spanish Succession. Spain comprehended, at this time, Castile, Aragon and Navarre; (in Italy) Sicily, Sardinia, Tuscany and Finale; the Netherlands; (in Africa), Centa, Melilla, Oran,

Canary Isles, (in America) Florida, Mexico, New Grenada, Peru, Chili, Rio Plata, Cuba, Porto Rico, Trinidad, (in the East) the Philippines and Caroline Islands. The heir to this vast estate was among the descendants of the Bourbons of France and the Hapsburgs of Austria. There had been a secret treaty in 1668 between Louis XIV of France and the Emperor Leopold, Grand Duke of Austria, who were brothers-in-law, but later, this was renounced. Other conventions were had that only prolonged the dispute. The Spanish nation, however, not wishing to

behold their government settled without a word from themselves, chose one of the Bourbon heirs as their king, Philip, Count of Anjou, who became Philip V. of Spain. At the same time (1701) both Spain and France recognized the son of the exiled James II as the legitimate Sovereign of Great Britain—the unnatural daughter of James (Ann) then ruling in England by the unconstitutional usurpation of the English parliament. This recognition brought about the war that is known in America as Queen Ann's War.

CHAPTER IV.

(QUEEN ANN'S, 1702-13 — KING GEORGE'S WAR — OR WAR OF AUSTRIAN SUCCESSION—1741-8.)

However great the provocations to strife were in Europe, the same irritation against the Anglo-Americans for their hire of Indians to devastate the Canadian frontiers continued to exist, in spite of their denials to the contrary. No better proof that the Anglo-Americans employed Indians to raid the French settlements is needed than the letter of instruction sent from London to the Earl of Bellmont, Governor of New York and New England: "In order to prevent the differences arising on the subject of the Indians of the Nine Nations, we have agreed with His Most Christian Majesty that they shall live peaceably and that they shall enjoy the fruits of the Peace of Ryswick, as well as the other Indians, their neighbors. In case that the Indians make war on each other, or disturb the English or French colonies, you are to act in concert with the French Governor against them to the end of obliging them to live in peace." (Guenin, Nouvelle France, p. 187.)

During the war (1702-13) which followed, the privateers of Canada ravaged the coasts of New England and captured prizes even in Boston harbor. The Seigneur Hertel de Rouville in 1704 marched from Montreal to Deerfield, Massachusetts, in the dead of winter, a distance of 254 miles, with a company of 300 Canadians and Indians to bring a remembrance among the puritans of what they themselves had stimulated and as a re-

prisal for such similar acts. And Deerfield and the country around about was ravaged, the defenders slaughtered and the inhabitants led away into captivity. The Hudson Bay district was protected, also, during this campaign and the stations of the West were made secure on account of the dread of incursions in that direction on the part of the Anglo-Americans. It is true that Acadia was occupied by the enemy with great forces, but this was their sole advantage. At this time the population of the French in America, including soldiers and garrisons was but 27,000, while the militia alone of all the Anglo-American colonies numbered 60,000.

Notwithstanding that so good a showing had been made in America during this war, by the treaty which closed it, drawn up at Utrecht in 1713, England was given Acadia, Hudson Bay Territory, Newfoundland and the Isle of St. Christopher, while France reserved the use of the fisheries off the coasts of Newfoundland from Bonavista to Cape Race. Canada and Louisiana remained her sole possessions on the continent—an empire in themselves, although the former was encompassed by the English in Hudson Bay, Newfoundland and the Acadian Nova Scotia.

Now what had brought France to make this sacrifice, apart from the distractions of European politics which caused statesmen there to consider as too remote the possibilities of an American empire, was the financial distress of France and her ally, Spain, and the great misfortunes which had attended the military campaigns of France in Europe.

It was at this time that the infamous

John Churchill, Duke of Marlborough, was at the head of the armies of England on the continent of Europe, and the lustre from the victories which were gained by the armies under his command quite eclipsed the blackness of his twofold treason and the history of his rise, from a family of unprincipled adventurers—of whom his sister Arabella was the King's strumpet—to the first position in the land. "This man," as Macaulay says, "owed his rise to his sister's dishonor." Again: "The only feeling the Churchills had over the shame of Arabella was a joyful sort of surprise that so plain a girl should receive so rich a preferment," (as being mistress to the Duke of York, afterwards King James II. Macaulay speaks further of Marlborough's habit of stuffing the army rolls and drawing the pay of officers and men for his own pockets, who had no existence in the army itself; he tells of how he won his first titles by protesting his loyalty to James II., and then leading the troops confided to his command by that monarch into the service of the King's enemy, William of Orange; how, when William became King in his turn, and favors showered on him and other traitors (who are the ancestors of the Whig, or Liberal, party of to-day), were not deemed sufficient, that he offered, in secret, to betray William himself, and to lead William's army (confided to his command) into the French camp. Col. Sackville, the brave and honorable Cavalier and Tory, deputed to meet this man of infamy, "crossed with reluctance into the hateful presence of the deserter." This man—the vilest, yet the most subtle intriguer of his time, and all for his own vulgar interests, accredited himself for the success of the British armies in Europe—a success due to the able officers—to Hill, of whom Marlborough was insanely jealous; to Talmache, to Prince Eugene, who were associated with him in the command. His military reputation was gained as had been secured his other "honors." Indeed, the foreign kings, who had been allied with William in this "War of the Spanish Succession," and who had decided on giving Marlborough a principality, when the truth of his absolute unworth was made known by the complaints of officers at the meeting of plenipotentiaries to sign the treaty of Utrecht, refused to ratify the recognition. Even William, as much as he was in the power of the Whig, or Liberal, party, whose crimes, treachery and unconstitutional action had seated him on the throne, at the head of which party was

Marlborough, was obliged to order some inquiry into his peculations and other proceedings, and the showing was so black as to warrant a public trial and condemnation. Marlborough, under any other circumstances, would have been stripped of his honors and imprisoned had it not been found that the entire Liberal party was infamous and corrupt, that any further procedure would have brought about a revolution, and, no doubt led to a return of legitimacy and the Stuarts. During the interval of peace which followed the Treaty of Utrecht, France built the city of Louisbourg in Cape Breton, as a barrier against the Anglo-American advance in Acadia and the growing English establishments, and further as a winter port and a protection to the Gasparic district of Quebec. At the time of the next decade, the walls of Louisbourg were nearly completed at a cost of \$30,000,000—some of the stone of the battlements having been cut in France and brought thither as ballast in vessels sailing for cargoes of fish and furs to the New World.

The Anglo-American Puritans of New England cast an anxious, envious and timorous glance at this Dunkerque of the North, as Louisbourg was called, and planned and schemed every possible way to secure the use of Britain's fighting men and ships to wrest the north country from the French and have it handed over to them. They had not long to wait for a pretext. It happened away off at Vienna in the Austrian capital. There Charles VI, Emperor of the Romans and Grand Duke of Austria had died, leaving by pragmatic sanction his estate to his daughter, Maria Theresa. This authority of giving to a female a male succession was not recognized by France, Spain, Naples, Bavaria, Saxony and Prussia. On the contrary, it was judged legitimate by Great Britain, Holland and Russia. And each party armed and commenced hostilities from the year 1739 in support of its choice.

The War of the Austrian Succession (1741-8) followed. In this war Great Britain participated from the beginning without a declaration of hostilities—contrary to international usage—for her action was not proclaimed officially until 1744.

The story was now brought to Boston by deserters from the garrison at Louisbourg, that that fortress was already in a bad condition; that Bigot, the intendant, through his creatures, one of whom was chief of construction, and purveyor, had starved the soldiers to enrich him-

self, and his legalized fraud in this particular and produced a mutiny of the garrison and desertion of many of its members. This creature of the "financiers" was the same who had commanded at Fort Beauséjour and had surrendered that post before a blow was struck, and to the indignation of all parties,—his cowardice being a fit companion for his infamy.

So inviting to the Anglo-Americans was the tale of deserters that Sir William Shirley, the British governor at Boston, planned to send a large force in 1745 to co-operate with Admiral Warren's British fleet in the reduction of the place. Shirley's plan startled the timid Anglo-Americans, but he pushed it through the council by a vote of one, and the expedition sailed into Louisbourg harbor, and after a short siege and bombardment captured what was considered the strongest fortress in America, next to Quebec.

But away from the control of this "financial" society, which was being urged into the King's favor by their chief member, Madame Pompadour, the King's strumpet, affairs were not going so badly.

It seems that in spite of the treaty of peace which had existed until now, the Virginia government in 1733 had sent an expedition into French territory near the Ohio River, where a fort was built by them. This fort was captured immediately after by the Seigneur de Contrecoeur and with further additions and strengthening, was named Fort Duquesne in honor of the Marquis Duquesne, who was then Governor of Canada. At the same time other forts were established from that part up to the Great Lakes and a secure communication was had between the Canadian capital on the St. Lawrence and the seat of government in Louisiana on the Gulf of Mexico.

Now in this war, while these things were happening in Canada, the heir of the Stuarts—Prince Charles Edward, supported by a few brave French officers and aided by his relative, the King of France, landed on the shores of his native Scotland, for a last attempt to win back the thrones of the three kingdoms which were his by right of inheritance, according to the British constitution, and which the Liberal majority in parliament, assisted by other traitors, who had conspired in an interested opposition to rob the state, had deprived his father—the late James II. He was joined, so soon as his landing was known, by the Tory Cavaliers, who at this time formed a small minority. But they were like the knights of old, not asking "How

many are the foe?" but, "Where are they?"

"O, sprung from the kings who in Illay kept state
Proud chiefs of Clanranald, Glengarry
and Sleat,
Unite like three streams from one mountain
Tain of snow,
And restless in union dash down on the foe."

• • • • •

"Ye sons of the strong, when that
dawning shall break,
Need the harp of the aged remind ye to
wake!
That dawn never beamed on your fore-
fathers' eye,
But it roused each high chieftain to van-
quish or die."

With such stimulus from bard and tradition did Scottish cavaliers gather, and within their glens and valleys they summoned their clansmen to arms, loveliest of whom in the poetic range was Cameron, the Lord of Lochiel. It is not an exaggeration to paint the high and noble sentiment of the Tory-Cavalier party as Campbell, the poet, did in Lochiel's reply to the wizzard who warned him of the overpowering hosts of the English that would crush the devoted allies of the Stuarts in their chivalric undertaking for country and right.

"They were true to the last of their blood and their breath." The victories they reaped, when they marched with "Prince Charlie" at their head across the border into England, will live in history as the most famous of their kind. That at Preston Pans, where in a single charge they swept the English army of double their number from the field, a veteran host that melted away before them in fifteen minutes. Their entrance into England aroused all that was best in the hearts of the English cavaliers, who, since the advent of the Liberals into power, had been living in retirement. The proudest blood of England at their heroic example became troubled and unrestful. The Duke of Norfolk began to consider the advisability of declaring for Prince Charlie. The bravest and most honorable of the Welsh and Cornish gentry began to arm their tenants. And the Hanoverian usurper (whose line, as Sir James Macintosh says in his "History of the Revolution of 1688," had been called to power by the union of the worst and most corrupt who saw in the troubles of the time a means of continual plunder, by having a dynasty

subservient entirely to them) had the royal yacht moored at the foot of the tower stairs, ready to fly to Europe should Prince Charlie continue his march southward.

Prince Charlie advanced into England as far as Derby, but was not joined by the considerable number whom he expected when yielding his own inclinations and those of most of his Highland chiefs to the advice of his adjutant-general O'Sullivan, he returned to Scotland to await reinforcements from France. But the King of France forgot both Canada and Scotland in the voluptuous embraces of stumpy Pompadour, who in vulgar parlance, was "pulling his leg" for the benefit of her upstart "financiers," who supplied her with cash from their own stealings as payment for the chances to plunder that she was procuring for them.

Repulsed at Collodun through a misunderstanding of arrangement by which the clan Macdonald did not charge with the rest of the clans, the army of Prince Charlie retired in good order after smashing two of the three lines of battle of the Duke of Cumberland, who opposed him. In the pursuit ordered by the Duke of Cumberland, brother of the usurper and afterwards George II, the Kingston dragoons overtook a Highlander, Gilles MacVane, who refused to surrender, and placing his back to a rock defied them all, laying 14 dead around him before he was overcome and killed. By the atrocities perpetrated on the wounded by order of the bloody Duke of Cumberland, he earned the title of "Butcher," and the execration of the posterity of the sons of the "Mountain Eagle" to their remotest generation.

The army of Prince Charles disbanded and went home; its chiefs were proscribed and hastened into exile to escape the persecutions of a mean and merciless dynasty and its hord of mercenary supporters. In every land the sons of the cavaliers of Scotland were scattered, coming even to Canada at this time, one of whom, Capt. Alexander Grant, married the daughter and heiress of the last Baron de Longueuil, in whose posterity this high Canadian title has been transmitted. Some went to France and, as a military body under Lord Pittsburg, in the service of the King of France, though only 300

strong, swam the river Rhine with their swords between their teeth, and stormed the German entrenchments on an island in that river, which has since borne their name (l'Isle des Franks). Some went to the American colonies, and Flora MacDonald with a party of her followers, lived for a while in North Carolina, but none of them could stomach the programme of the Yankee democracy, although a few were deceived and lingered in that country until after the establishment of the Republic. As Tories and as Cavaliers they, with the other British colonists, were so different from the Whigs and Liberals who founded the American Republic as to draw this observation from the Yankee historian Bancroft, in referring to Sir James Oglethorpe, the founder of the colony of Georgia: "A monarchist in the State, friendly to the church, he seemed like one who had survived his time—like the relic of a former century and a more chivalrous age—illustrating to the modern world of business what a crowd of virtues and of charities could cluster around the heart of a Cavalier" (Life of Oglethorpe, by Cooper, p. 204).

The influence of the alliance of the Scottish Jacobites with the King of France was felt at Quebec and has left traces to the present day in the memories of many families in the province, who derive from the blood of both France and Scotland the sentiments of that union.

This war was closed, so far as France and Britain were concerned, by the treaty of Aix-La-Chapelle of 1748. By this treaty, England restored Louisbourg to France and France gave up Madras, which she had taken, to England. The British government paid Massachusetts for the aid in land forces and transports which she had contributed towards the capture of Louisbourg. All entered into a period of semi-quietude for a short time in America, but the French were continually on the watch, for they knew that the restless and tricky Yankee was about to put up some other game against them for the possession of Quebec. They had not forgotten the council of the Count de Frontenac, which has been published in a book on the Legislative Palace of Quebec: "Beware of the Yankees," ("Méfiez vous des Bostonais")

CHAPTER V

THE LAST WAR (FRENCH AND INDIAN 1754-63) OF THE FIRST EPOCH

The British government, stimulated by the worries and representations of the Anglo-Americans against the French in Canada, tried every way possible to bring on a war between France and England so that, by enjoying the advantage of naval superiority in keeping reinforcements from Canada, they might pour troops enough in the country to drive out the inhabitants or subdue them. The Anglo-Americans commenced by an intrusion into the Ohio Valley.

In 1754 Col George Washington with troops from Virginia entered into the Valley of the Ohio for the express purpose of founding military and trading posts in the territory of a foreign but peaceful country. De Contrecoeur, commanding at Fort Duquesne, sent Lieut. Coulon de Jumantville with an escort to warn Washington from French territory. Informed of his approach by scouts, Washington laid an ambuscade and fired on this unsuspecting party. De Jumantville was killed. So soon as De Contrecoeur heard of this, he dispatched de Villiers with 600 light armed Canadians who besieged Washington in a fort called "Fort Necessity," which he had constructed, and although Washington had 500 men behind breastworks supported by ten pieces of cannon, so fierce and determined was the battle waged by the Canadians that he surrendered after suffering a considerable loss. Although he acknowledged in the articles of surrender that he was "killed," his life was spared him and he was placed on parole for one year, and allowed to depart (June 1754.)

But, no sooner was he returned than the news spread that Gen. Braddock had landed from Ireland with 2,000 British veterans, who were to be joined by Virginia, Maryland and Pennsylvania militia, and all were to advance to capture Fort Duquesne and smash in the French line between Canada and Louisiana. Although his parole had not expired, Washington was very easily persuaded to join the expedition as commander of the Virginia militia and, on account of his knowledge of the country, was attached to the personal staff of Gen. Braddock.

With all the confidence of numbers and strength the army of Braddock, over 2,000 strong, with a numerous train of artillery and supported by many parties of

colonial militia, took its way towards Fort Duquesne. And this it must be remembered before a declaration of war had been made! Now the commandant there, who had succeeded de Contrecoeur, was the Chevalier D. H. de Beaujeu, of a family of the ancient nobility, one of whom (Anne de Beaujeu) had been Queen of France. This family had been established in Canada since 1700 among the seigneurial families of the country.

When the news of Braddock's advance was made known to de Beaujeu, whose garrison numbered but 300, he recognized that it would be impossible to hold the fort against such numbers with their siege artillery. He determined on the audacious policy of attacking the enemy while he was on the march and entangled in the forests, hoping to bring confusion to his rout. He communicated his plan to the chief of the 100 Indians of the neighborhood and induced them to join him. Then he marched to the encounter. At a suitable place he laid an ambush for the head of Braddock's column and succeeded in staying its onward march. But Braddock brought up his heavy cannon, whose detonations frightened the Indians into a momentary flight, until they looked about and saw the French led by de Beaujeu, leap from their coverts and charge the rallying English with the bayonet. This gave them courage. Again they returned, and pressing down on both flanks of the British fired so rapidly, and so accurately from behind trees, logs and bushes, that with the French in front and the Indians concealed on both sides, the British army fled, carrying away their wounded general who had had four horses shot from under him in this short but fierce encounter. De Beaujeu was killed in the charge which he had led at the beginning of the battle. The British and their colonial allies never stopped their flight until they were in the vicinity of the coast settlements. All the frontiers of Virginia, Maryland and Pennsylvania were deserted by their colonists when this news was known, for they felt now that the hatchet had been dug up, that an enterprising and fearless foe would soon be on their trail.

The French in Canada were urging the home government, in which the creatures of Pompadour held full sway, to send supplies to Canada. After repeated prayers, a fleet of transports was started, but, secret orders were given by the British ministry to the captains of all war vessels to seize French property on the high seas, or wherever else it might be found, and although no war had been de-

clared the piratical act was committed. Hundreds of French merchant men were captured and the entire transport fleet intended for Canada. This last of a series of bectoring acts on the part of England and her colonies to provoke war was successful, for on the news of this being brought to his court, Louis XV issued formal declaration. D'Argenson, the War Minister, despatched Louis Joseph de Saint Veran, Marquis de Montcalm, with a small force to command the troops in Canada. He was not a favorite of Pompadour.

In the meantime the Baron de Dieskau advanced on Fort Edward which the English had built near the Great Lakes, and although his assault on that strong fortress and the great army of Sir John Johnson which defended it was repulsed, the colonial general could not persuade his valiant Anglo-American militia to advance in their turn into Canada, they having been effectually intimidated by the fierce encounter with the braves of Dieskau.

The Canadians pushed their successes further. They captured Saratoga. Fort Massachusetts was beset by the troops of Rigaud de Vaudreuil, and all the outposts of New York, Massachusetts and Connecticut were driven in (1756).

At this time (1756) the population of Canada was 50,000, and that of the Anglo-American colonies 1,300,000.

The preparations made by the English for this war were most formidable. Their fleets patrolled the seas to keep succor from the French reaching Canada, and they transported three armies whose sum total, united with their colonial levies, amount to over 60,000. Opposed to these Montcalm had 5,000 regular troops and 10,000 militia raised among a population, it is true heroic and Spartan-like, but so closely drawn that one might behold in the ranks boys of fourteen as well as men of sixty. With these troops he was obliged not only to keep garrison at Quebec, Louisbourg, Montreal, Three Rivers, Lachine, Detroit, but away down the Mississippi, and as far as Fort Duquesne on the Ohio River—3000 miles of frontier. Not alone did distance and lack of sea communication hinder him, but famine throughout all the country. For so many men and boys kept from agriculture—on which depended the sustenance of the colony—caused a gradual diminution of products, so that the soldiers and inhabitants alike were reduced to a half pound of bread per day. Yet in spite of this for three years he kept at bay with the heroic valor of his troops and his own war genius the thronging armies of

the foe, and inflicted such defeats on their veteran bands, that caused a flush of admiration to those who read at the present day. At Carillon Gen. Abercrombie left one-third of his army after vainly endeavoring to break in the lines of Montcalm. At last—after Louisbourg by a defense of two months had succumbed to the siege and bombardment of Wolfe's army, Montcalm was besieged himself at Quebec.

Time and again the English under Wolfe attempted to gain a landing below the city, on the side opposite Pointe Lévis near Beauport, and each time they were repulsed and driven back, and from revenge Wolfe, with a savagery which his name suggests, burned 1400 houses and killed women and children in the country. Masters of the St. Lawrence by their navy, their armed boats sought everywhere an opportunity to penetrate to the city, but in vain. And they continued cutting down fruit trees and destroying the country. The autumn of 1759 was drawing to a close. Soon it would be impossible, in the face of wintry storms, for the English to remain longer in the roadstead. The English General Wolfe fell sick at the possibility of approaching failure. It was at this moment that a path-way leading up the plains of Abraham, behind the city, was discovered, and, as luck would have it for them, the commander of that post was a creature of Bigot, Vigor, who was the creature of Pompadour and one of the "financiers." It was up this path one morning, before the break of day, that Wolfe led his Scottish regiments, the best in the British army, to surprise the French on the plains of Abraham. These regiments were the soldiers of those Scottish cavaliers, who had fought against the English at Collodun for "their country and King," and were now in exile in foreign lands, while their soldiers—poor ignorant, but brave clansmen—were fighting for their leaders' enemies and against the former ally of their native land in whose territory their sovereign, King Charles III, was seeking an asylum. Montcalm issued from the city walls with what troops he could collect: 1,500 regulars and militia, but being mortally wounded in the advance, his troops became broken by a charge of the Highlanders and were driven into the city by 8,000 British regulars who shortly after de Ramezay, on whom devolved the command at the death of Montcalm, surrendered to the enemy. He was forced into this measure by the clamors of the people who were suffering from hunger and from the fact that he had not force

enough to drive the English from their vantage ground in the rear of the city. But the next year, the Chevalier de Lévis marched down from Montreal with 3,300 regulars, 3,800 militia and 200 Indians, drove in the English advanced posts and marched along the M^{te} Boye road towards Quebec, where he met the English army drawn up to dispute his passage. Arranging in line his veteran troops—for even the Canadians were veterans in those days—he showed them the enemy, consisting of 7,000 British regulars with 22 pieces of cannon. Then bidding them remember the fame of their ever glorious record, he put his chapeau on the point of his sword and led them against the foe. His movements, though hurried, were well combined. By advancing one flank further than the other, he calculated to turn the English, when they retreated and drive them into the St Charles. But the English fled so rapidly before the charge of his grenadiers and light infantry that they reached the city gates before Lévis had anticipated. Had not the French been fatigued by their long journey from Montreal, their long fasts on short rations and the extraordinary labors of the battle, they might have entered themselves and taken the city. For the guards at the gate were demoralized at seeing their own army in the greatest distress and fear come flying pell-mell through, and had fled also, leaving the pathway open. Over 2,400 were killed in this battle, of which

the French lost 800 men and 100 officers. The victors slept on the field worn out by their toils and hardships. Then they commenced a siege of the place in due form. They mounted 14 cannons, but the garrison and army in Quebec, having nothing to fear from the sea-side, trained 100 cannon from the walls to keep off the French. It was only a question of time, however ere the garrison would be compelled to yield, but both parties looked for aid from beyond the seas. Those who knew the Pompadour government of France, however, were not disappointed when English men-of-war sailed into the port, and the siege was broken. Lévis retired to Montreal with his little army, where soon after three English armies from as many points of the compass were directed against him under the supreme command of Gen. Lord Amherst. Here Lévis wished to fight again, but the Marquis de Vaudreuil, then governor, believing it to be useless and desiring to obtain the best terms possible, signed articles of capitulation, until it should be known whether France and England would agree as to their possessions in North America. These terms of capitulation will be given in Part IV, as they enter into the constitution of the country. In 1763 there was signed a treaty at Paris whereby Canada—not as a conquered country—but as a duly constituted and sovereign province was ceded to Great Britain under certain conditions and stipulations, mentioned in Part IV.

CHAPTER VI

CAUSE FOR THE LOSS OF CANADA TO FRANCE

The King of France, Louis XV, was a man of some ability, but of a dissatisfied disposition that prompted him ever to the search for new joys. He tired very soon of the old. Not sharing with his father the deeper principles of national glory, that they must derive their legitimacy by the advancement of the great and honorable of the nation, the prosperity of the people and the maintenance of national supremacy abroad, he never sought below the surface of flattery and adulation to see what might be the reality of his situation and the condition of his court and country. For this reason

and on account of an inordinate vanity, as well as a weariness over the details requisite for just rulership, he welcomed those who had a pleasing manner and a beautiful face, a flexible knee and a voluble tongue. His very vanity caused him to be offended at the legitimate pride of the ancient and chivalric aristocracy of France whose sense of decency, idea of honor and pride of ancestral grandeur held them back from that self-abasement the King desired to see in those who surrounded him. The result was the people who were encouraged by the King caused the most valuable and sincere of the aristocracy to visit the court but rarely, and the King was creating a new nobility by the "annobissements" of these new courtiers, who, recruited from the class of "financiers" and speculators were not

humiliated by any debasing act provided they might increase their opportunities of gain, at the expense of the State. D'Argenson, the Minister of War, protected the military aristocracy by using the ancient ordinance of the kingdom to prevent the King swamping the service by these miserable parvenus, without merit, ancestry and honor. And Montesquieu, the author of "L'Esprit des Loix," who witnessed the entire proceeding wrote the warning: "All is lost when the lucrative profession of the note-shaver and speculator by its richness is made a profession of honor."

The King developed also a taste for the society of sporting women, which caused a scandal at his court and an estrangement to exist between him and members of his own family—especially with his eldest son, afterwards Louis XVI, a good, conscientious but weak man who expiated the result of his father's criminality on the guillotine in 1792. To avoid this inharmonious display at court, the King was on the lookout for some favorite outside the nobility who could gratify his desires without such an ado being made of it.

Now a girl named Jeanne Antoinette Poisson (in English "Fish") who was born 20th Dec., 1721, Rue Clery, Paris, was in the habit of driving a pony phaeton in the park on those afternoons when the King was out for a drive himself. It was her purpose to show herself to the King, since she was very beautiful. Moreover, a fortune-teller, when she was but nine years of age, had predicted that she would arrive to the position of being mistress of the King of France—in everything but name, the Queen. Her people, of the ordinary gross and unlettered class who had become rich—like most of that sort—by "ways that are" and tricks that are vain," were superstitious and believed firmly in this tale of the fortune-teller. They were led, therefore, to hack any scheme which might bring their young and beautiful relative at close quarters with the King—out of which encounter the whole company of them expected to gain rank and fabulous wealth. Old Poisson, the girl's father, son of a dyer, had run away from home in early life and had become the driver of one of the provision waggons of the Paris brothers, who were contractors to supply the army with stores under a government contract. These Paris brothers were in business, not for their own health exactly, much less for the health of the State, as some of their money transactions were not above suspicion. So well did wag-

goner Poisson serve these brothers that they recognized in him a man "after their own heart," and they advanced him to a clerkship. After a while Poisson was able to do something for himself, and he did it so forcibly that \$200,000 of the nation's money disappeared from his hands, leaving no trace behind. An inquiry was held and a trial followed in which Poisson was declared a thief and sentenced to be hung, but he escaped and fled to Holland. His wife, who was the daughter of a butcher, who had obtained a contract to supply the "Hotel des Invalides" with meat—another "financier"—was a very beautiful woman and was now alone. Her enforced isolation attracted the sympathy of yet another "financier" named Lenormand, otherwise known as "de Tourneheim," who was former-general of the revenue. The intimacy resulted in this great "financier" accepting the belief that the little girl would be the King's mistress and the means of further enriching all her friends—and they were a pretty gang! He opened his purse, therefore, by way of investing in an education for her and sent her to one of the most famous educational convents in France. Afterwards he married her to his nephew—a stupid, but affectionate sort of a chap—named Lenormand D'Etiolles, whose father was Treasurer-General of the Moneys. In this society one might plainly perceive that nothing could be heard but the sound of ducats. Lenormand de Tourneheim saw his way all the more clearly when one of his relatives, a certain Binet, was appointed lackey to the King's son and had the keys of the private appartments. So he sent his nephew, the loving but stupid husband of the young beauty off on a mission, cocked and primed Binet and furnished the "financial backing" for the phaeton-rides of the young wife in the King's park. That she saw in her own marriage to his nephew, in her own education, in every previous act, but so many stepping stones to her ambition, the voluminous evidence collected by de Nulhac in his "Louis XV et Madame de Pompadour," is sufficient proof. That her ambition was fostered and promoted by the gang of "speculators" of the type of the Lenormands and Parises there is equal proof and without which "promotion" it is equally certain that it would have been in vain.

On the 25th Feb., 1745, at a bal masque she encountered the King for the first time at a public reception. The ball was given at Versailles and in order that such as this young woman, now Madame

Lenormand d'Estioles, might enter, there was no challenge at the entrance of the palace to any one who might come properly dressed and masqued. It was the first open step in which the King "lost sight of the path of glory, and the bed of domestic felicity and the very light of honor," (de Nulhae "Louis XV at Me. de Pompadour.")

From this moment the King did everything he could to rehabilitate the woman's father. He obtained a separation, through others (her uncle) from her husband. He bought the marquisate of Pompadour and endowed her with its title. Old Poisson was pardoned, returned from his exile, "ennobled," and at the same time an inquiry—as a blind—was ordered into his previous condemnation, when it was discovered that the papers of the court relating thereto had "mysteriously disappeared." Poisson was called on to furnish them from memory and, as he made out, the State instead of being his creditor was his debtor to \$200,000. With this statement, the King presented him with the noble estate of Marigny and offered him the rank of marquis, which Poisson reserved for his son. One of the Paris brothers who was in the secrets of the Poisson family was "ennobled with the title of Montmartel and made Garde du Tresor Royal,"—a nice place near the money box. It was through him that the funds were paid out to buy the Pompadour estates for the King's favorite. Uncle Lenormand who had invested in her education was made Treasurer-General. Every position that had pay or perquisites attached to it was petitioned for by the friends of Madame de Pompadour and was given by the King as she wished—for she desired to have her supporters about her. This "financial" coterie played into each other's hands. "The hope of an entire party was founded on the success of this new mistress." (de Nulhae "Louis XV at Me. de Pompadour, p. 70.) Those who opposed her were sent to the Bastille. Even the Marechal Duc de Richelieu was threatened by the King with imprisonment for neglect to give due attention to the royal strumpet. La Marquise de Ferte-Imbault, who had declared that "It seemed impossible to continue her acquaintance, so much was her family discredited," was forced to silence. Voltaire, Crebillon, and even the "genteel de Bernis" wrote in her praise—but it must be supposed that it was to obtain, or to retain royal favor. But the Bishop de Mirepoix was stoutly against her influence in the State and was sustained by the Dauphin.

In the meantime through the extravagance of Pompadour and the peculations of her creatures in office, the debt of the State increased so much that Orry, the honest comptroller-general of finance, protested to the King on the delapidation of finance. On complaint of Pompadour he was removed from office to make way, if possible, for one of her own party. Then Orry warned the King of the danger into which the kingdom was running. The debt had never been so high, the people were restive, the ancient nobility were sullen and felt insulted, the navy had disappeared, the soldiers were badly provisioned, the commissary was corrupt, the foreign colonies were shrinking, yet the "financial" party of Pompadour were growing rich and prosperous, buying and embellishing vast estates with money stolen from the State. Ten palaces were going up at one time for Pompadour. For gardens and houses for herself, her bill against the royal treasury amounted in twenty years to 7,443,723 pounds sterling! Pamphlets by anonymous writers flooded the country teeming with sarcasms and invectives against her and her infamous coterie of "nouveaux riches." The King himself was menaced in them for supporting such a gang of political vampires and thieves. One of the engravings of the time exhibits the King as France, enchained by Pompadour and scourged by foreigners. One of the best specimens of the verses of the time on this subject engrosses all complaints:

"Louis, dissipateur des biens de tes sujets,
Toi qui comptes les jours par les maux
que tu fais,
Esclave d'un ministre et d'une femme
avare,
Louis, apprends le sort que le ciel te prepare."

* * * * *
De guerres sans succes fatiguant tes
Etats,
Tu fus sans generaux, tu seras sans
soldats.
Tu ne trouveras plus des ames assez
viles
Pour oser celebrer tes pretendus exploits,
Et c'est pour t'abhorrer qu'il reste des
francais."

Even after the King's death some one wrote on his monument:

"Il est ici comme a Versailles,
Il est sans coeur et sans entrailles."

And this is a reminder that these people, knowing that the principles of monarchy and aristocracy were really opposed to them, that they were in office solely through the charms exerted over the mind of the King by a woman without conscience and thoroughly heartless, looked about at the troubles they were causing and were afraid. Like all of their kind they sought to shift the responsibility of their crimes on other shoulders. They had stipended every writer of the age—for no writer could exist, except anonymously and be opposed to them. This crowd of known writers were bought from Voltaire down—to attack the church, the state and the ancient noblesse. Unable to continue in power in the face of the ancient aristocracy without exciting an overwhelming opposition certain to burst forth so soon as Madame Pompadour's rule might expire, these "financiers," these "anoblis" determined, if possible, to ruin both kingdom and noblesse, and to stand alone as the proper republic in which they as a gigantic and corrupting mercantile and political "trust" might control the ignorant and easily led populace—the image of every democratical republic that has ever existed. Most of their children survived the Revolution of 1792 which their plans and devices brought about, and although some of them perished in the unexpected heat which they had kindled, the remainder made fortunes out of the "confiscated" royalist estates.

One of these creatures of Pompadour and of the trading anoblis, named Bigot, obtained the lucrative place of intendant in Canada about the time of Montcalm. All subordinate places in the civil service were open only to this kind. "He saw in the misfortunes of the province only so many means of adding to his wealth." (Dussieux.) Among those who were most successful in their stealings of his appointees were Cadet, a former butcher; Verin, at Montreal, Hugues Pean, naval commissary and major at Quebec; Mercier, a merchant's clerk; also Carpian and Maurin of the same profession; Breard, comptroller of the marine; D'Estebe, keeper of stores at Quebec who stole nearly a million, and Perrault, an innkeeper, who was appointed major-general of militia. But this Bigot, a prime favorite of Pompadour, was a prince among thieves. "He was the giant of the fable with an hundred hands, and every hand a thievish one. It was said that every official stole from the intendant and

comptroller down to the smallest cadet." (De Bonnechose in Montcalm.)

"The people employed by Bigot are the most flourishing in the colony. Honest men starve, while rogues make fortunes. They make fortunes by getting control of the right to provision places. From money devoted to public works they steal again; again in furnishing the material of war and for naval equipment; again in merchandise to be delivered to the Indians. Through this dishonesty the colony rests disarmed in the face of the enemy, wrote Montcalm. 'Dishonesty has become treason. They have given the soldiers guns whose stocks break like glass. They have made ditches in the place of forts—that of Carillon, full of defects, costs as much to the King as Brisack and serves but to enrich the engineers of the country.'" (De Bonnechose in Montcalm.)

The complaints of Montcalm were seconded by Bourgainville, Levis, Doreil and all the military noblesse, but they were counteracted by the influence of Pompadour. But when the army and its officers returned to France, their complaints had to be heard. De Sartines, lieutenant of police, was instructed to institute a trial to judge sovereignly the "authors of prevarications committed in Canada." Bigot and fifty-five others appeared before this commission. They were condemned to restore only 12,000,000 francs and Bigot and Varin were banished from court, when, according to the laws of France, their desert should have been the halter.

It must be understood that the "court nobility" that began to date from this period was different in blood as well as principle from the old feudal aristocracy. In blood, the former was Gallo-Roman, derived from the burgesses, the rich trading and speculating classes of the towns, and especially of Paris; the latter was Franco-Gothic and descended from the Paladins and Knights of Charlemagne who had established the French monarchy. It was a principle of this latter, that trade is dishonoring, not because work is ignoble (far otherwise) but that the qualities of mind (the chicane, the avarice, the dishonesty) that make trade successful are not compatible with nobility. For this a law was made that "trading causes derogation of blood and loss of privileges." But these were the very qualities on which was built up the new court nobility, like as at the present time in England, the same are at the foundation of the Anglo-Saxon "noblesse

who have taken the place of the ancient Franco-Normans at the court of King Edward VII. "On voit la vieille no-

blesse en Angleterre étouffée sous une nouvelle crée à base d'argent" (Fouilles, Psychologie des Peuples Européens.)

PART III

CHAPTER I

THE FUNDAMENTAL CONSTITUTION AND LAW.

Constitutional law is the translation and recognition into intelligible phrase of the organic laws which govern a body. No artificial, or legislative enactment is valid if contrary to constitutional law. Most civilized states provide a means for challenging an unconstitutional enactment and reducing it to naught. But if this be not done, Nature very soon provides a means through her irresistible forces of destroying a state, or a civilization whose growth is abnormal, unconstitutional, radical in the sense of opposing natural law.

In the body politic there is but one permanent unit, and that is the family—the individuals die, but the family survives. The rulership of the father is the earliest directing force known to the children. Family government was the earliest form of rulership, and the laws of family organization are the fundamental laws of every community. The origin of the family is in selection—the best by the best, the possessors of goods by the lovers of goods, the common by the common, by means of which the three classes of the state are perpetuated. The principle of the family is heredity, without which it could not exist, and as the family government is the fount of national government, hereditary rulership has been recognized in every civilized land as the basis of legitimate authority.

Co-extensive with the hereditary rulership of some one family has been found to exist in European civilization a concurrence in the authority in a greater or less degree in the various states of the three classes, each according to its precedence: to the first class (noblesse) in all matters of rulership with the King; to the second class (the wealthy burgesses) in matters pertaining to taxation, commerce and finance; to the third class (the

trades) in what belongs to trades-unions, employments and industries. It has been established that the office of the first (King and noblesse) is the guardianship of state and constitution against foes from within as well as from without and the umpireship of the differences which arise from the disputes and misunderstandings of all other classes. For this reason the King and the council of the noblesse make the laws, regulate alliances, command the army and navy, the assembly of the burgesses and trades vote the finances, pray for redress of grievances and petition for removal or change of ordinances in regard to industries, commercial, agricultural and corporate. These are the functions, laid out by the development of the organic laws of the ancient state and these functions, specialized with the two houses of ethics and trade, were kept separate for the representation of the separate classes to which they belonged, until in many states the love of money produced a general corruption, and corruption, a revolution. From this time on the outlines of each have become blurred, their functions confused, and the resultant civilization not beneficial for the advancement or even for the perpetuation of the best of the human race. (See Laponge in "L'Aryen," Fouillee, in "Psychologies des Peuples Européens," and other anthropologists.)

In Glanville, "Histoire du Droit et des Institutions de la France, Vol. IV., p. 501," it is declared "The Constitution cannot be changed, even by consent of the King and Parliament." The Grand Coutumier of Normandy appears to exact at least a tacit agreement between the duke (sovereign) and the people (the estates.) The establishments of the duke have force of law on condition that they conform to present customs, and the present customs must be recognized by the duke. The latter is held to govern according to the constitution of the country." Every man born under the constitution owes it and it alone his allegiance. The King is the liv-

ing representative of this constitution, and not parliament, which is but a creature of it. The state general, or the separate unions of the nobility, the professions (clerical) and trades, is the last resort in inextricable difficulties of rulership. Such was the doctrine in France when Canada was a royal province of that kingdom.

In France, the only way of deciding what was the constitution, and how it was to be interpreted, and by what means the succession of authority was to be determined, resided in the convocation of the PEOPLE of France through their representatives, chosen by them in an assembly termed the STATES GENERAL, presided over by the King.

The meaning of the word People, composing the elements of the population is defined in the decision of the States General of 1484 in the address of the Sire de La Roche: "J'appelle Peuple, non-seulement la plebe, mais encore tous les hommes de chaque ordre, et, sous le nom d'Etats Generaux, je comprends meme les princes. Ainsi vous, deputes aux Etats Generaux, vous etes les depositaires de la volonte de tous." (*La Grande Encyclopedie*, Vol. XVI., p. 517.) "I mean by people, not only the common free-holders of the population, but every man of each class, and, under the name of States General, I comprehend the princes (royal family) themselves. Thus you, deputies to the States General, you are the supreme will of the State."

In Luchaire's "*Histoire des Institutions Monarchiques de la France Sous les Premiers Chretiens*," it is stated that the consultation of the *grandees* by the King is one of the most ancient traditional traits of the monarchical constitution of the Middle Ages. ("La consultation des grands du royaume par les rois est un des plus anciens traits traditionnels de la Constitution monarchique du Moyen Age.")

The power of the King and the assent of the States General was deemed to be of divine right—not from the people, whom they indeed represented, but from God who had given it in Spirit to the world. "By the Grace of God—not the will of the People." M. Luchaire shows this was declared in the States General of 1302 at Notre Dame, Paris, in the following words: "This kingdom of France which our predecessors, with the aid of God had conquered from barbarism by their courage and the steadfastness of the people; which they have learned how to govern and which they hold of no one but of God, we have received it from

them in our hands by Divine Right—desiring to imitate them according to our power, we are ready to expose our bodies, our wealth, and all that we possess to preserve in liberty the entire independence of the kingdom, and we stigmatize as enemies of the kingdom and our person all those who would oppose our design." ("Le royaume de France que nos predecesseurs, avec l'aide de Dieu, ont conquis sur les barbares par leur propre courage et par la vaillance de leur peuple, qu'ils ont su gouverner ensuite avec fermete et qu'ils n'ont jamais tenu de personne que de Dieu; nous l'avons recu de leurs mains par la volonte divine; desirant les imiter selon notre pouvoir, nous sommes prêts a exposer notre corps, nos biens et tout ce que nous possedons pour conserver libre de toute atteinte l'indépendance du royaume, et nous reputons ennemis de ce royaume et de notre personne tous ceux qui s'opposeraient a ce dessein.") The States General subscribed to this in supporting the King as supreme in the State.

PERSON OF THE KING.

After the assassination of King Henry IV of France and Navarre by the Jesuit Ravallac, the States General declared in assembly of 1614: "Be it inviolable and noted by all that the King is recognized Sovereign in his kingdom, not holding his crown but from Almighty God alone, that there is no spiritual or temporal power on earth which has any right over his kingdom to lessen the sacred character of our Kings, nor to dispense or absolve their subjects of the fidelity and allegiance which they owe to him. All subjects without distinction hold this law conformably to the word of God without limitation at all, the which will be signed and sworn to by all the representatives of the kingdom." "Soit inviolable et notoire a tous 'que, comme le roi est reconnu souverain dans son royaume, ne tenat sa couronne que de Dieu seul, il n'y a puissance en terre, spirituelle ou temporelle, qui ait aucun droit sur son royaume, pour en priver les personnes sacrees de nos rois, ni dispenser ou absoudre leurs sujets de la fidelite et obeissance qu'ils lui doivent. Tous les sujets tiendront cette loi comme conforme a la parole de Dieu, sans distinction, equivoque ou limitation quelconque, laquelle sera signee et juree par tous les deputes du royaume. . . . Tous les percepteurs, regepts, docteurs et predicateurs du royaume sont tenus de l'enseigner et publier."

THE POWER OF THE STATES GENERAL OVER THE ROYAL SUCCESSION.

In 1420, although the treaty of Troyes had conceded to Henry V of England, possession of the Crown of France as successful heir, invested him with the regency, and reunited forever the crowns of France and England, yet it was deemed essential in the 11th article to insert that the consent of the States General would be needed to make it constitutional. The 1st Dec., 1420, what was called the States General met at the Hotel St. Pol, but, as they were the three orders indeed of the State, though only from Paris and Burgundy the State was not complete, and the constitutionality of the claimant's holding could not be maintained at that time.

The States General has a right to determine the royal succession then only when it is in dispute or in abeyance. Art. XI du Traite de Troyes. "L'avis et consentement des Etats Generaux du royaume seront demandes."

COMPOSITION OF STATES GENERAL.

As has been said the States General is composed of the People, each order of the People (1) Nobility, (2) Clergy and Professionals, and (3) Burgesses being represented by delegates chosen by each order separately and taking precedence in the order named. The most important were the nobility and bishops, who alone constituted the States General until the time of Louis VII, when the Burgesses were deemed of importance enough to be recognized as part of the People, or general sovereignty.

In the XIV century only those of the clergy who had the temporal authority of local magistrates were summoned for their order, and only the "most considerable" among the nobles by their order. For example, in 1318-19, Philip V. ordered his officers in the provinces to make out a list of "prelates, abbés, prevôts, barons and other illustrious noblemen, towns and notable places in order to facilitate the convocation of States General. ('Prelaz, abbés, prevôts, barons et autres grans hommes nobles, villes et lieux notables.')

In the States General of 1355 the nobility and clergy numbered 800, the Third Estate 400. This same States General passed "Ordonnance de 1355" called the "Magna-Charter of France," establishing a Council of the Kingdom of 12 nobles, 4 clericals and 12 of the Third Estate.

In Lauriere's "Recueil" it is said that this is the nearest that France came to a written constitution.

The States General of 1323 contained the nobility, the clergy, members of parliament, the Third Estate, members of the University and Burgesses of Paris.

For the States of 1468 each town represented elected three members, a noble, a cleric and a burgess. (61 towns, 192 deputies).

In 1506 the States assembled at Tours, contained for the first time delegates from the various provincial parliaments which was considered unconstitutional, since the States General, as a body to determine on the constitution, chosen from the three great divisions of the people and presided over by the King, cannot receive delegates of parliament who are of a body that is a creation of the States General, or of the Constitution, over which the States General presides.

The States of 1614, opened at the Augustine Convent, Paris, contained 132 for the nobility, 140 for the clergy, 192 for the Third Estate. Even among the Third Estate 131 were officers of justice or of finance and magistrates, 15 were of but little less importance and 66 were simple burgesses. On account of the high social standing of the Third Estate in this session, they wished to be treated with the same precedence as the nobility, which led M. Picot to observe that "they combatted more for equality than for political liberty in the discussions."

The manner of choosing the Third Estate in 1788 was the following: "One hundred voters of the first degree—citizens of 25 years old paying 6 livres tax—named an elector. The assembly of these electors chose deputies and gave them their instructions." (Chassin "Les Elections et les Cahiers de Paris en 1789.")

But the States General, the supreme constitutional authority, was summoned only on critical occasions. Otherwise the supreme executive and legislative authority was in the King and the Council of his peers, or the sovereign lords of the ancient provinces, who gave place later to commissioned officers and nobles. The judiciary authority was in the parliament of each of the provinces, who decided on the appreciation of the law and enregistered the decrees of the King in Council. To illustrate the territorial limits of even the Parliament of Paris: During the minority of Louis XIV. (when the parliament usurped many of the prerogatives of sovereignty), the Parliament of Rouen sent a deputation to the Parliament of

Paris to implore authority for a certain measure. But the Parliament of Paris refused, declaring that it had no authority outside its territorial jurisdiction, and appeal must be had to the King for what concerned another province. The same applied to Canada as well. There was nothing between the Sovereign Council of Quebec and the King.

In 1413 the Parliament of Paris refused to unite with the University in a petition to the King regarding the finance, stating that it was a court of justice only and not a Council of State.

In the edict of 1641 which forbade Parliament to discuss affairs of State, Richelieu recalled the disorders of the League which never would have happened, but which arose from opposition to royal authority. He reproached Parliament for having violated the fundamental laws of the kingdom; he recalled that during the minority following the death of Henry IV., Parliament had summoned the peers and officers of the crown to deliberate on affairs of State, contrary to the laws of the kingdom and the constitution of Parliament itself. He cited the ordinance of John that, no matter of State shall be treated of in Parliament, except by special commission from the crown; the letters patent of Francois I., forbidding Parliament to consider any affair but that of the administration of justice; the *arret du Conseil* of Charles X., who after hearing the remonstrances of Parliament, declared null and void all that it had done, because its creation as a court of justice precluded its cognizance of affairs of State. He pointed to the *arret du conseil* of the present reign (Louis XIII), which revoked the order of Parliament calling a meeting to consider affairs of State, and to the provision that its competence in such matters can only form a special commission given by the King for each special case terminating with the case under consideration or when the King revokes the commission. (Glasson. *Parl. de Paris*. Vol. I., p. 168.) The letter patent of the King, Louis XIV., to Parliament in 1652 states: "All authority belongs to us. And we hold it from God alone, without any person of whatever condition having any right to pretend to it. . . . The functions of justice, of military matters and of finance ought always to be distinct and separate. The officers of Parliament have no other authority than what we have entrusted them with to render justice to our subjects. They have no more right to order

and take cognizance of that which is not of their jurisdiction than the officers of our armies and of our finance would have to render justice, or to establish presidents and counsellors to execute it. Will posterity be able to believe that officers have pretended to preside over the general government of the kingdom, to form councils and to evaluate the imposts? — finally to arrogate the plenitude of a power which exists but in ourselves!" (Glasson. *Parl. de Paris*. Vol. I., p. 377-8.)

Such was the condition of authority by the constitution in Canada, as well as in France. First the King—represented by the Governor-General commissioned by him. Then the Sovereign Council of Canada, in which were the general of the armies, the intendant of the finance, the attorney-general, the archbishop and the representatives of the noblesse, who had this right by law, as well as from the first commission granted by the King through the Marquis de La Roche, the first governor, that they should have charge "to give counsel and to defend the province." "A la charge qu'ils serviront a tuition et defense desdits pays." (Larreau. *Hist. du Droit Canadian*. Vol. I., p. 159.)

The law in Canada permitted the erection of baronial estates with right to sit in the Council and precedence in military appointments, solely for meritorious action. Right to purchase suzerain estates by others—which included their prerogatives—rested on the consent of the King and of the family of the original possessor. Nobility not possessing these baronial, manorial or seigneurial holdings, held their land also in *Franc alleu*, or as a free fief subject to the King alone, and with right to sit in the Council. And this holding could be made hereditary.

Of those who were simple colonists, but were not tenants, or censitaires on the seigneuries, they held their land in *roture*, that is free and independent, but creating no superiority, no matter what the richness and extent of their holdings. By this arrangement it is constitutional in Canada that wealth shall be always inferior to nobility, as it has been in all previous European constitutions.

The Church had its jurisdiction also. Its superior officers were at the appointment of the King as head of the Gallican church,—though the nominations lay with the Archbishop, who represented the Church in the government of the Province.

CHAPTER II.
SECURITIES AND GUARANTEES OF
THE BRITISH GOVERNMENT IN
REGARD TO THE CONSTITUTION

Articles of capitulation of Montreal, 8 Sept., 1760, relating to the government of the country in protection of the constitutional privileges of the inhabitants:

ARTICLE 27

I. "The free exercise of the Roman Apostolic and Catholic religion shall subsist so that the estates (nobles) and people of town and country, places and distant posts may continue to assemble in churches and frequent sacraments as formerly without being molested directly or indirectly.

II. "The people shall be obliged by the English government to pay to the priests in charge the tithes and other dues which they have been accustomed to pay under His Most Christian Majesty."

Agreed—For the free exercise of religion but the obligation of paying tithes will depend on the willingness of the King of Great Britain.

ARTICLE 37.

"The noblesse, the military and civil officers, the inhabitants of town and country . . . and all other persons shall preserve the complete possession of their privileges and goods, noble as well as common, real and personal, merchandises, furs and ships."

Agreed—In as much as the privileges and goods are not those of the King of France, which pass by this transfer to the King of Great Britain.

ARTICLE 42.

I. "The French and Canadians shall continue to be governed according to the coutume de Paris and the laws and customs established in the country."

II. "And they shall not be subject to other imposts than those established under the King of France."

Agreed—In regard to the laws and customs, but for imposts and other regulations they become subjects of the King of Great Britain.

TREATY OF 1763 RELATING TO
CANADA.

King's Prerogatives:—"His Most Christian Majesty renounces all pretensions

which he has hitherto formed or might have formed to Nova Scotia, or Acadia, in all its parts and guarantees the whole of it, with all its dependencies to the King of Great Britain. Moreover, His Most Christian Majesty cedes and guarantees to His said Britannic Majesty in full right Canada with all its dependencies as well as the Isle of Cape Breton and all other islands and coasts in the Gulf and River St. Lawrence, and in general everything which depends on said country's lands and coasts, with the sovereignty, property, possessions and all rights acquired by treaty and otherwise which His Most Christian Majesty and the Crown of France have had till now over said countries. . . . and that in the most ample manner and form, without restrictions and without any liberty to depart from the (meaning of) said cessions and guarantees under any pretense."

No sooner were the English in possession than the Whig, or Liberal, ministry caused to be issued the Royal Proclamation of 1763 in direct violation of International Law, of the capitulations of Montreal of 1760 and of that clause of the Treaty of 1763 in which England agreed not to change "under any pretense" the conditions of the country

ROYAL PROCLAMATION, OCT. 7, 1763.

This proclamation created the present Province of Quebec and effected to disregard the constitution of the country in the following words: "We have also given powers to the said governors, with the consent of our said councils and representatives of the people, so to be summoned, as aforesaid, to make, constitute and ordain laws, statutes and ordinances for the public peace, welfare and good government of our said colonies and of the people and inhabitants thereof as near as may be agreeable to the laws of England."

By this revolutionary act, every Canadian was absolved from any oaths of allegiance he might have taken to the British Crown and connection. A revolutionary, or unconstitutional act has such a result, since the constitution is an irrefragable contract transmitted from generation to generation that establishes the bonds of faith and loyalty between the people and their government. It happened that for similar revolutionary acts of the English government towards their own colonies towards the South, in which parliament sought to violate the colonial charters which were granted by the Stuart Kings, and which recognized royal

authority only—not parliamentary, the Anglo-American colonists were known to be arming and inviting foreign interference to defend their own constitutional rights—were even making overtures to the Canadians.

Before deciding to throw off the English usurpation, the Canadian Seigneurs and noblesse in Dec., 1773, held an assembly, or States General, at Montreal and demanded of the British government the immediate recognition of the constitution of the country as guaranteed. Neither the common people nor the clergy took part in this assembly or demand. (Garneau. "The Whig or Liberal party to which the noblesse were obliged to address themselves in England was that which was most hostile to everything French in Canada." (Garneau. *Hist. du Canada*, vol. II., p. 432.) In their demand they promised the utmost loyalty to the Crown and revindicated their right to participate in the military and civil government of the country, according to the constitution. (Garneau.)

The Tory party of Great Britain rallied to the support of the Canadian noblesse and a hearing was arranged for them on the floor of the British Parliament at London. They were represented before this parliament by the Seigneur Chartier de Lotbiniere. And the subsequent act of 1774 was arranged under his advice. In the debate on the (Sovereign) Council which was to be re-instituted in Canada, Lotbiniere was questioned and replied that (as formerly) the noblesse were admitted. (Kingsford's *Hist. of Canada*, vol. V., p. 228.) The Whig or Liberal party fought any recognition to the French, declaring that "the great mass of the common French liked the English law, since it freed them from the presence of their superiors." (Kingsford.) Under this plea, ever since the Liberals have sought to create an antagonism in Canada against the noblesse, so as to use the lower classes to overthrow the constitution and destroy the institutions of the country to the benefit of commercial exploiters who approach the Liberals as the more purchasable and corrupt party of English politicians.

Act of Quebec of 1774 relating to a confirmation of the constitution of Canada, passed at the demand of the Canadian noblesse :—

III.

"Provided always and be it enacted, that nothing in this Act shall be con-

strued to extend, make void or alter any right, title or possession, derived under any grant, conveyance or otherwise of or to any lands within the said province or the provinces thereunto adjoining, but the same shall remain and be in force and be in force and have effect as if this Act had never been made."

IV

"And whereas the provisions made by the said proclamation (of the Parliament and King of England of 7 Oct., 1763), in respect to the civil government of said province of Quebec, and the powers and authorities given to the governor and other civil officers of said province by the grants and commissions issued in consequence thereof (unconstitutionally by parliament and contrary to the treaty) have been found by experience inapplicable to the state and circumstance of said province. The inhabitants professing the religion of the Church of Rome and enjoying an established form of constitution and system of laws, by which their persons and property have been protected, governed and ordered for a long series of years from the first establishment of the said provinces of Canada—be it therefore enacted that the said Proclamation (of 7 Oct. 1763) and the commissions and grants of authority found unconstitutional and contrary to the customs of the province established by the King of France and the treaty of 1763 and the affirmation of this act) . . . are hereby revoked, annulled and made void after the first day of May, 1775."

VIII.

"And be it further enacted by the authority aforesaid that all His Majesty's Canadian subjects within the Province of Quebec (religious orders and communities only excepted) may hold and employ also their property and possessions, together with all customs and usages relative thereto, and all other their civil rights in as large, ample and beneficial a manner as if the said proclamation, ordinances and commissions had not been made, and as may consist with (1) their allegiance to His Majesty, and (2) to the Crown and Parliament of Great Britain. And that, in all matters of controversy, relative to property and civil rights, resort shall be had to the laws of Canada as the rule for the decision of the same. And all causes that shall hereafter be instituted in any of the courts of justice to be appointed within and for the said province

by His Majesty, his heirs and successors, shall, with respect to such property and rights, be determined agreeably to said laws and customs of Canada until they shall be altered or varied by any ordinances that shall from time to time be passed in said province by the Governor, Lieutenant-Governor, or Commander-in-Chief, for the time being, by and with the advice and consent of the Legislative Council of the same, to be approved in a manner hereinafter mentioned."

(And this Council by the agreement made with Lotbinière was to represent the seigneurs and noblesse.)

XVIII.

(SOLE AUTHORITY OF PARLIAMENT)

"Provided always, and it is hereby enacted, that nothing in this Act contained shall extend, or be construed to extend, to repeal or make void, within said province, any Act or Acts of the Parliament of Great Britain heretofore made, for prohibiting, restraining, or regulating the trade or commerce of His Majesty's colonies and plantations in America; but that all and every said Acts and also all Acts of Parliament heretofore made concerning or respecting the said colonies and plantations shall be and are hereby declared to be in force, within said province and every part thereof."

By this act of 1774 the constitution of Canada was acknowledged virtually to be the supreme unchangeable law of the land, above Royal Proclamations, ministerial orders and acts of the British Parliament. Much more is it above the acts of the Canadian Parliament and can be effected, but not changed without a re-affirmation of allegiance, by the States General only, according to the ancient law,—a body over which the King presides and in which the representatives of the noblesse have one vote, the representatives of the church have one vote, and the representatives of the burgesses and free holders have one vote, the King reserving his decision until the result is known, with the privilege of dissolving the States General and summoning another. (Glasson. *Hist. du Droit et des Institutions de la France.*)

In the meantime while the noblesse had secured the constitution of Canada by the Act of Quebec of 1774, the struggle for the same sort of constitutional observance was progressing in the Anglo-American colonies against the usurpation of the London Parliament, not only over (1) the acts of the colonial legislatures

but over (2) the Royal prerogative at the base of every Anglo-American colonial charter.

When the Anglo-American colonies were established under the Stuart Kings, these Kings had the same prerogatives as the King of France, which the parliament at that time had not usurped. They chose their own ministers and appointed their own governors: that in neither parliament nor the ministers could interfere with their choice. The governments which they established in America were provincial, similar to that of Canada. They were in single fields, or principalities, over which the Lord proprietor had sovereign power, being responsible to the King alone, and in consular charters, in which the inhabitants governed themselves sovereignly, divided in two houses, one for the aristocracy and one for the industry and trades, presided over by a governor sent by the King to represent him.

After the revolution of 1688 in England, during which the Liberals overthrew the constitution, disestablished the legitimate monarchy and put on the throne a foreign race, their parliament by these illegitimate acts became the first power and sought to extend that power over the colonies of the empire. But these colonies from the very first refused to recognize that power, since they had parliaments of their own, whose unity in the empire rested solely on the constitutional supremacy of the Crown—as it existed at the time of their charters.

In their unconstitutional scheme for dominion the Lords of Trade of Parliament wrote as early as April 27, 1701, to Lord Bellemont, governor of New York and New England: "This declining to admit appeals to His Majesty in Council (that is a parliamentary committee under that name which the colonists were loathe to recognize) is . . . which you ought very carefully to watch against in all your governments. It is an humor that prevails so much in proprietaries and charter colonies and the independence they thirst after is now so notorious (since the usurpation of sovereignty by the London parliament) that it has been thought that these considerations, together with other objections against these colonies should be laid before parliament."

"This bill was aimed at the sovereign colonial charters and the proprietaries of Maryland, Pennsylvania and Carolina." (Sanborn's, *New Hampshire*, p. 158.)

This commenced a long series of encroachments on the part of the London Parliament which was the completion of their illegitimate action against the royal

prerogative—this time in the colonies as it had been formerly in Britain itself. The colonies responded by petitions and remonstrances until it became plain that the only petition a parliamentary or democratic usurpation respects is one armed with a club.

The colonists formed their alliances with parties in Europe, issued their defiance to the London parliament, armed their militia and on July 4, 1776, issued a declaration of independence. The cause in general for their action is in article 13 of this declaration: "He has combined with others (parliament) to subject us to a jurisdiction foreign to our constitution (charters) and unacknowledged by our laws." That the colonists made a distinction between the rights of the Crown and the usurpation of parliament, may be seen by the articles of the minute men of 1776. "Article I—To defend to the utmost of our power King George III., his person, crown and dignity; II—At the same time, to the utmost of our power and abilities to defend all our chartered rights, liberties and privileges. III—And at all times and all places to obey our officers chosen by us and our superior officers in ordering and disciplining us."

Again, in Griggsby's Hist. of the Virginia Convention of 1776, p. 27, the English Parliament is called on "To resign its unjust and arbitrary pretensions with respect to America," and the Convention "recognizes in the plainest manner the right of eminent domain of the British Crown."

The Historical Collections of South Carolina, Vol. I, p. 276, describes the royal colonial charter as depending on a commission granted by the Crown and on instructions issued by a governor appointed by the crown. "The form of all provincial governments was borrowed from that of their mother country, which was not a plan of systematic rule drawn beforehand by speculative men, but a constitution which was the result of ages of wisdom and experience. It is a constitution which has a remedy within itself for every political disorder which, when properly applied, must contribute ever to its stability and duration."

"After the model of this constitution the government of Carolina assumed a form like that of the other regal ones on the continent, which were composed of three branches—a governor, a council and assembly. (1) The Crown having the appointment of the governor, delegates to him its constitutional power, civil and military; the power of legislation so

far as the King possesses it, his judiciary and executive powers, together with those of chancery and admiralty jurisdiction, and the office of supreme ordinary—all these powers as they exist in the Crown and are known by the laws of the realm."

II. "The Council, though differing in many respects from the House of Peers, is intended to represent that house."

III. "The assembly consists of the representatives of the people, and are elected by them as the House of Commons in England—to be the guardians of their lives, liberties and properties."

"This is a general sketch of the Royal Governments which are intended to assemble the constitution of Great Britain, as nearly as the circumstances of the provinces will permit, and which, notwithstanding its imperfections, is the best form of government on earth."

The vast majority of those who became a little later United Empire Loyalists, by their rank and station among the colonial nobility, of which they formed almost the entire body, were principals in this movement and the leaders of the "Minute Men." It only goes to prove that while they recognized the change of dynasty from the Stuarts to the House of Hanover to be a matter of fact, even if not a matter of law, that they refused resolutely and sternly with the entire body of the colonists to recognize even as a matter of fact the participation of the London parliament in royal functions over the colonies. With this determination to break from the Empire, if the London parliament proceeded on its unconstitutional course, there was a promise of accommodation, if the London parliament might recede from its false position with an abrogation of its unconstitutional acts. When the club which had gone forth with the petition had effected the head of parliament, it acknowledged its error and usurpation of the royal function in the colonies, by repealing all acts relating thereto as far back as 1763. The King's prerogative being secure together with the colonial charters which the "Minute Men" had sworn to maintain, those who were loyal and honest in the colonies felt that they had achieved the purpose of their arming and organizing. But the factious, and democratic and race-levelers centered in the continent congress, forbade any accommodation of the people with their King, and proceeded to violate in their turn the very colonial charters whose defense afforded the sole excuse of their confederation and armament. The excuse being gone, they had no right to hold any col-

onist to support their illegal and radical measures

Nov. 17, 1781, those who opposed this factious and controlling democracy that was governing under false pretences, published the declaration against it in Livingston's Royal Gazette of New York, from the resolves of their assembly, or States General, representing all the colonies and held in this city. As these became the United Empire Loyalists it is worth while to note how they regarded the rights of the Crown and the usurpation of parliament in the colonies. In this their declaration against Congress they said: "(II) Availing themselves of our zeal and unanimity to oppose the claims of the British Parliament. . . they have forbidden us to listen to any terms of peace. . . (XXV.) "The Congress of 1774 reprobated every idea of separation from Great Britain (if the acts were repealed). . . They declared that the repeal of certain acts would restore our an-

cient peace and harmony. . . And they pledged themselves in the presence of Almighty God, that they will ever carefully and zealously endeavor to support and maintain the Royal authority." (III) They have refused to accept or even to receive proposals or terms of accommodation. (IV) They have excited and directed the people to alter or annul their ancient constitutions. . . (XVI) They have recommended the abolition of our charters (XXII) They have destroyed all good order and government by plunging us in the factions of democracy. . . (XXIV) We therefore, natives and citizens of America appealing to the Supreme Judge of the World for the rectitude of our intentions, do renounce all allegiance or submission to this Congress. . . of so called United States. . . or any government under them. . . and with a firm reliance on the support of Divine Providence, mutually pledge to each other and to the Crown and Empire. . . our lives, our fortunes and our sacred honor."

CHAPTER III

THE KING'S PREROGATIVE, THE NOBLESSE, THE PARLIAMENT, THE PEOPLE

After their declaration, the Royalists of the Anglo-American colonies on the formal abdication of the London parliament from its participation in the King's prerogative in the colonies, raised troops to assist the Crown in America against the revolutionary democracy. At one time there were more than 20,000 in the Loyalist regiments. But by foreign aid, the revolutionary democracy, since known as the Yankee democracy, triumphed and the Loyalists to the number of 45,000, retired into Canada, which had been preserved for the Crown by the Seigneurs and noblesse, on the English parliament acknowledging the ancient constitution of the country to be the supreme law. In 1784 the Province of New Brunswick was created for these United Empire Loyalists, while within a few years of this date (1791) for those Loyalists who had settled West of the Ottawa River, the Province of Ontario was established. Long before this, when the Supreme Court of side what was the law and constitution

of Nova Scotia, it was agreed that the statutes passed by the colony of Virginia (the colony founded by King James I., who had also founded Nova Scotia) was the correct manner of interpreting the constitution. And in these statutes "Henning's Statutes at Large," is the declaration of the colonial governor, Sir William Berkeley, against the Parliament of England in the name of the King (Charles II., then an exile and a wanderer) and the refusal of Virginia to recognize any other than the royal authority. It must be remembered, also, that the Virginia convention of 1776 repudiated the assumption of parliament in the name of the eminent domain of the Crown in Virginia.

The same Yankee revolutionists who, after 1778, had decided on overthrowing, by the arms of foreign states, the royal authority and aristocratic representation in the Anglo-American colonies as guaranteed in the original charters, which they had first pretended to defend, had advanced the plea that the recognition of the Canadian royal constitution by the Quebec Act of 1774, was an additional grievance to themselves. These things, as well as their institutions from that time, diametrically opposed in theory and in

Nova Scotia—after 1756—had met to de-
 practice, place the Canadian and Yankee
 nations in opposite courses of progress,
 creating in each the greatest distinctions
 of mind, race and character, the one the
 antithesis of the other. Now in regard to
 the King's prerogative in Canada, it is
 understood and guaranteed as before said
 by parliamentary acknowledgement to be
 personal. That is no London parliament
 or British ministry can stand between the
 Canadian Government and the King. This
 is the old law of Quebec, this is the de-
 claration of the Anglo-American colonists
 and of the United Empire Loyalists. It
 was acknowledged by parliament in pass-
 ing the Act of Quebec of 1774 and the
 Acts of 1778 relating to the Anglo-
 American colonies. Namely, that the
 understanding of their charters should re-
 main undisturbed in the interpretation of
 the King's government in America.

Now every one of the Anglo-American
 charters was granted by the Stuart
 kings, and before the revolution in Eng-
 land of 1688 and the Act of Settlement
 of 1701. In these charters (as in the an-
 cient French constitution of Quebec) the
 King's prerogative is personal—a thing in
 which parliament and the ministry of
 parliament (facetiously termed the King's
 ministry) has no concern. It is the
 royal prerogative as it existed under the
 Stuarts and before it was usurped by
 parliament in the revolution of 1688. As
 before said, however illegal and unconsti-
 tutional it was accomplished, the colo-
 nists had been willing to recognize the
 change of dynasty on the throne of em-
 pire, but never were they willing to ac-
 knowledge the participation of parliament
 or ministry in the royal functions over
 the Anglo-American and Canadian colo-
 nies. Parliament, convinced by the force
 of arms and circumstances, had with-
 drawn its unconstitutional proceedings in
 regard to Canada and the Anglo-American
 colonies by which action the Crown had
 secured to itself the renewed loyalty of
 the seigneurs and noblesse of Canada and
 of the Royalists in America who formed
 the United Empire Loyalists of the Cana-
 dian provinces; and Canada at least
 was preserved to the Empire, although
 the Anglo-American colonies were lost—
 lost by parliamentary usurpations. If
 Canada is ever to be lost it will be lost
 in the same manner. By the acknowle-
 dgment of this law, a plea lies already
 in the Supreme Court of Canada to chal-
 lenge the appointment of the Governor-
 General, who, contrary to these ordi-
 nances and laws, and the constitution, is
 sent over from England as the Crown's

chief executive and representative in Cana-
 da by the Colonial Office—by the repre-
 sentatives of a majority of the British
 democracy in the London Parliament in-
 stead of by the King, *propria persona*,
 be the advice and consent of the Cana-
 dian government, for no man or body of
 men can stand between Canada and the
 King.

In Blackstone's Law Commentaries it
 reads: "By the word prerogative we
 are to understand the character and pow-
 er which the Sovereign hath over and
 above all other persons in right of his
 office, and which, though part of
 the common law of the country, is out
 of the ordinary course." Finch lays it
 down as a maxim that the prerogative in
 the law is the case of the King which
 is law in respect of his subject. "The
 King's prerogative executive authority" (an
 attribute of the monarch and minist-
 ers) is not to be exercised by themselves
 but by the contribution of sovereign-
 ty and the subject to the allegiance
 of his subjects. "The ordinary parliament
 only exists in the law, for it is sum-
 moned by his writ and the vote for a
 member of parliament is a franchise, not
 a right existing independently of his
 grant. . . . The great offices of the state
 are appointed by the King.
 The King as Supreme head of
 of the State is commander of the Army
 and Navy. This right, contested by the
 Long Parliament, was declared finally by
 12 Car. II. c. 6 to be in the King alone."
 (Encyclopaedia Britannica, Allen "Rise
 and Growth of Royal Prerogative,"
 Chetty "The Prerogative of the Crown,"
 etc.) By this last clause it must be seen
 that the action of the Liberal Parlia-
 ment in Canada in questioning the King's
 prerogative over the Canadian army is
 both treasonable—a conspiracy against
 the prerogative—and unconstitutional out
 of the orbit prescribed for parliamentary
 proceedings. Every officer and every sol-
 dier in Canada is bound by his oath of
 allegiance to obey the King and the
 King's officers, rather than the parlia-
 ment or the ministry whose legal con-
 duct can be but regulatory and financial,
 and not for giving discipline, command
 or commission.

Now the prerogative of the King of
 France was as absolute in fact as that
 of the King of England is in theory. In
 the matter of the King of England suc-
 ceeding to the prerogative of the King of
 France in Canada, as described in the
 treaty of 1763 the French law prevails.
 Blackstone's Law Commentaries declare
 that when William, Duke of Normandy,

replaced Harold, the Saxon, on the throne of England, in 1066, he did not bring anything more to the royal prerogative, or anything less, but that, according to his claim of succession, it was but a change of person, not of prerogative. In like manner it was but a change of person but not of prerogative when George III. of England replaced Louis XV of France as Sovereign Lord of Canada in 1763. Now the prerogative of the King of France was no more extensive so far as executive authority is concerned than that of the Stuart Kings at the time of the colonial charter grants in America—so that on this score the French of Quebec, the ancient inhabitants of Nova Scotia and the U. E. Loyalists of New Brunswick and Ontario are in the same understanding historically in regard thereto. The Governor, the Earl of Dalhousie, was lawyer enough to have understood this legitimate succession of prerogative, for in 1831 he demanded that the ecclesiastical office be at the nomination of the British Crown since the British King had succeeded the French King as head of the Gallican Church in Canada.

In another case, and from a different point of view, Governor Metcalfe believed that the Crown prerogative is superior to its executive functions independent both of parliament and ministry in Canada. "That it must be endowed with some comprehension of power in the use of which it should not be subservient to the ministry. In this belief, he made several nominations without consulting the ministry (Liberal) that protested." (Turcotte in "Canada sous l'Union")

THE NOBLESSE

The noblesse is as much a part of the constitution (monarchical) as the King, and more so than the parliament since parliament is a creation by law, but both King and noblesse have existed before laws were written. "Among the Germans, Tacitus describes a war-bred aristocracy that conducted the nation to battle and judged it during peace. At Rome, at least, under the Empire, the aristocracy was, above all, a caste: it was a state within a state." (Beaume, "Hist. du Droit Coutumier Français," p. 145) "The Gallic nation was divided into three classes, that of the nobles, that of the druids, and that of the people." (Glasson, "Hist. du Droit, etc., de la France," Vol. I., p. 104.) "The illustrious nation of the Franks, constituted

by the hand of God, strong in war, pre-eminently in council, of noble stature, of primitive beauty of blood and form, of rich and generous nature, according to its custom, dictates the *Salic Law* to the council of its nobles (*grands*)—Principles of the *Salic Law*. Among the sources of nobility issued from the military heroes (*Blackstones*).

In the administration they participated with the king, as his council in making the laws and administering the kingdom. After the representation of the people in a parliament was established for purely financial and commercial purposes, the nobility, as a senate, a council or a house of peers, existed apart, and in company with the king, held to all matters of diplomacy, justice and administration. In every colony this separate house or council was established for the representation of the aristocracy, or nobles, settled in the colonies.

In ancient Canada representation in the Sovereign Council was reserved to the seigneurs and noblesse by the *Coutume de Paris*, the *Loi Feodale*, and the *Du La Roche Commission*. "*La noblesse se compose des fiefs, seigneuries... et autres dignités relevant de nous (le Roi) à la charge qu'ils serviront l'entretien et défense des dits pays.*" And by the

"*Ordonnance d'Orléans*," Article 254 (in force since 1579) "Les roturiers et non-nobles, achetant fiefs nobles, ne seront pour ce annoblis ni mis au rang de nobles de quelque valeur que seront les biens acquis par eux." In the "*Ordonnance*" relating to Canada and the "*Compagnie du Canada*," of 1664, it is stipulated that foreign nobility entering the country and becoming "*regnicoles*" or enfeoffed to the king "*ne detroge non plus de leur noblesse*"—that their rights of nobility shall not be lost. Under this clause, European nobility established in America since the reign of the Emperor Charles V. in the XVI. century (reorganized in the Aryan Order of the Empire), deprived of privilege by the insurgent democracy in America—has become seated in Canada.

In the Council of Quebec, Nov. 9, 1789, in presence of the Royal Governor, Lord Dorchester, and of the Counsellors, the Hon. William Smith, U.E.L., Hugh Finlay, U.E.L., J. G. C. de Lery, U.E.L., F. Baby, U.E.L., Charles de Lanaudière, E.L., Col. Lecompte Dupre, U.E.L., His Lordship intimated to the Council that it was his wish to put a mark of honor on the families that had adhered to the Unity of the Empire and had joined the Royal Standard in America before the Treaty of Separation in the year 1783.

"The Council concurred and it was ordered that the several Land Boards take course for preserving a registry of all persons falling under description aforesaid, so that their posterity may be distinguished from other settlers." (Loyalist Act of 1789.) Thus was recognized by law the French and Anglo-American Royalists of the Revolutionary Period (1776-83) as a superior class, or noblesse in Canada. Their descendants in such an order exist to-day in Canada as the United Empire Loyalist Association under the presidency general of Sir William Johnson, Baronet (1904) of Chambly, Canada and Middlesex, England. In Nova Scotia, the Order of Baronets, apart from their territorial prerogatives had a representation in the Council of the Governor. In Maryland, where the governorship was hereditary, as a fief from the Crown (King James II.) in the family of Lord Baltimore, the lords of the manours established in that province, assisted the governor and his officers in the administration. In New York where the Dutch had granted manourial dignities with representative function under the title of Lord Patroon and the British Kings Charles II. and James II., had continued them and added to them, a representation was had in the Governor's Council for this noblesse. Even in early Massachusetts the most democratic of all the colonies, "There was provision that the magistrates should be men of quality." (Palfrey, Hist. of New Eng., Vol. I., p. 389.) And after the establishment of a royal charter during the reign of King Charles II., the councillors were appointed by the Crown from the colonial aristocracy. In South Carolina, during the proprietary government a regular order of nobility bearing the title of Landgrave (Earl) and Cacique (Viscount) exercised the local administration under the presidency of the palatine, or governor. But after the royal charters were established, they, as part of the aristocracy, were represented in the Council.

As for the composition of this Council in all the colonies where the aristocracy was not erected into a nobility for administration, Raper's Hist. of North Carolina gives the most exact description. "The personal composition of the council was a matter in which the home authorities and governor were supposed to be much interested." (P. 83.) "To have an efficient Council it was necessary to have the ablest and best men. . . It was his duty to keep a list of the best men and of their qualifications before the Crown. The King . . . in making the final choice

was in the main influenced by what the Governors had to say, but not always." "They understood the position of the Crown . . . and likewise that of the colonists." (p. 84.) "The Council contributed much to good government in the colony." "It exercised a beneficial restraint on the Lower House . . . prevented the governor making many mistakes and brought respect and dignity to the Royal Government."

The councillors received no salary and little or no allowance, since their office was a right due themselves as an aristocracy, and not an employment (p. 77). The number of councillors was 12, and they shared in the administration so much that the governor could not act without the concurrence of five at least (p. 74.) And they alone could reject a bill, or order it engrossed by both houses (p. 78.) The composition in the other charter colonies was the same for the council—it was to be selected from a list of the chiefs of the best families of each particular colony. The system in the Carolinas was no new plan "As this was the old system of feudal England and of many of the continental states." Raper's "North Carolina," p. 4.

THE COLONIAL PARLIAMENT.

Every act of the British government passed in relation to establishing authority for a parliament in Canada beyond what existed in the Anglo-American parliaments is, by previous agreement with the Anglo-American Royalists and Loyalists of 1778, contrary to the colonial constitution, as well as to the ancient Canadian constitution, and ipso facto, null and void. Acts passed in conformity with this constitution alone are valid.

Privileges of parliament come as franchises from Crown and Council. In all matters, therefore, parliament is subordinate. The legality of parliamentary existence cannot pass beyond the franchise of its creation. In the Anglo-American colonies it could pass "No act for levying money, imposing fines and penalties unless with a clause stating expressly that they were for the Crown and for the benefit of the province." (Raper's "North Carolina," p. 86.) "The Crown's revenue could not be lessened or impaired without Royal permission." "No provincial parliament can legislate on the Royal prerogative." "No laws can be re-enacted that have been disallowed by the Crown." (p. 87.) The crown lands are beyond its disposal, trusteeship being

vested, to a limited and expressed extent in the Governor and Council. The act of the British government allowing administration of the crown lands in Canada to the Canadian parliament is unconstitutional, since the King in England cannot delegate the crown lands in Canada through a parliamentary ministry, but must do so in propria persona and by the consent of the Canadian noblesse, or its representatives in Council. This is the understanding of the United Empire Loyalists in their declaration of 1781 in which they supported the previous defense of the colonial charters—and it is conformable, also, to the old law of French Canada. The Royalists were guaranteed by the British Government before they took arms to save the Crown domains in America. Castell Hopkins describes this state of mind in Canada in the "Builders of the Dominion," p. 542: "The Loyalists, steeped in the memories of a past struggle for King, institutions and country, embittered against all republican and democratic tendencies, prejudiced naturally and inevitably against the Radicals of England who had helped to ruin the Royal cause in the 13 colonies . . . to them all new comers from the States or from England were subjects of suspicion as being possibly . . . indifferent to their own sacrifices and their own sacred political beliefs." In the old colonies, no one was eligible to parliament unless a free holder, for the sum total of free holders constituted the whole of the people.

THE PEOPLE.

It is useless to go to former times for the meaning of the word "People," and show that its political significance is derived from the dolichocephale Aryans who conquered Europe, who were the free-men, while the conquered brachycephale races beneath them were their tenants, and the servile classes forbidden to bear arms. It is sufficient for the present purpose to declare that the international meaning of People is, the factors composing the government of a state, or nation. In France and Britain, under the ancient regime, the People were the King, the Noblesse and the Commons. In the Declaration of Independence the "Right of one People (colonists of all classes) to sever their connection (for constitutional cause) from another People," proves that this was the understanding of the declaration of its signers, for at the time of the Declaration of Independence suffrage in all the colonies depended on free-hold

possession. Consequently those who were not free-holders were not factors of government, were not "People" in the political sense.

The necessity for a man to be a free-holder in order to have a voice in affairs is seen by the fact that the sum-total of free-holders for the estates of the realm and are the only ones who hold their lands directly from the Crown. Every free-holder, no matter how small his holding, is a feudatory of the King, and owes the King his allegiance. The tenant of a free-holder in fee-simple does not hold directly of the King, for the landlord comes between to whom he pays his due. A free-holder, whether he be a great vassal, or holds a noble fief, or a small farmer with an humble cottage-homestead, participates throughout the extent of his holding in certain Crown rights of which no parliament can dispossess him. These create the Rights of the Individual.

His property cannot be taken from him without authority of the Crown and for just compensation. It is secure against all acts except for taxes, or dues to the Royal government which he himself consents to pay through parliament which represents him for this purpose. Even this parliament cannot tax him for benefits to classes in the community in which he does not participate, apart from support for the poor and for local charities. In this light, only those who patronize public schools are taxable for support of the same.

A precious right derived by free-holders from the crown is the lordship of the home, in which each free-holder is constable; who decides also on the education of his own children and is responsible for their acts until they reach the age of 21. Being responsible for them creates the natural law of expectancy, or devolution, or inheritance by which the children inherit the free-hold without testament and by the ancient law and the statute of Mortmain the family inheritance could not be alienated by testament of the parent, or during his life without consent of the heir. Nor could an heir who had inherited family possession, but had no children himself, alienate the family property by testament for the benefit of strangers. Most salutary provision by which modern courts would do well to be guided. The most important duty of the free-holder to the King from whom he holds his land and rights is that of allegiance and aid in defense by arms, whenever called on to defend the Royal prerogative and constitution. As

a privilege of this, every free-holder is permitted arms in his household.

There have been efforts made by the Radical, or Liberal, party in Canada to introduce universal suffrage—unconstitutional in itself as well as a menace of those rights which free-holders derive from the Crown, and which would be lost if the connection between themselves and the King was broken by putting parliament on such a foreign and Yankee-derived foundation. In the session of 1861 that grand statesman, Sir John A. Macdonald, declared his "personal opposition to the principle of representation by population on the ground (1) of its being a violation of the union compact, and (2) because it is a recognition of the principle of universal suffrage, which he regarded as one of the greatest evils which could befall a state. Unless property be protected and made one of the principles on which representation is based, we may perhaps have people altogether equal, but we will cease to be a people altogether free."

Mr. Brown, one of these anti-King and constitution radicals who are allowed to flourish in modern Canada, in the Confederation conference of Oct. 20, 1864, attempted to force a bill to give greater scope to local parliaments, but was defeated by Sir George Cartier on the constitutional objection that "It introduces in our local bodies republican institutions." (Pope's Macdonald, Vol. I., p. 354.)

The dangerous, treasonable and unconstitutional proceeding of the Liberals in introducing these republican ideas, under which they wish to plunder the state and enslave the people for the benefit of Yankee exploiters, in whose pay they are, were pointed out by Sir John A. Macdonald to Lord Knutsford in his letter of 1889 in which he suggested that: "The monarchical idea should be fostered . . . accompanied by some gradation of classes. At present, with some few exceptions, Canadians are all on one democratic level, as in the neighboring republic; and this fact, among others, is appealed to by the annexationists in Canada as proving that our national sympathies are with the Americans, or should be so." In the same letter he deplores the fact that an Order of Merit is not recognized actually in Canada. (Pope's Macdonald " Vol. II., p. 236.) There was one provision made, however, by the British Government in the Act of 1791 for hereditary honors, or representation of the noblesse, in the Upper House. It is needless to say that the Act constituting the present Senate is void legally, since the Senators are not selected by the King, as were the ancient colonial councillors—but by the Canadian ministry—nor is there kept by the governors a list of the best of the Canadian noblesse, or aristocracy for his selection, as provided by the guaranteed constitution of 1774 and 1778.

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